The City Council of the City of Raleigh met in a regular meeting on Tuesday, April 16, 1985, at 1 p.m., in the City Council Chamber of the Raleigh Municipal Building, 222 West Hargett Street, at 1:00 p.m. with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton, absent and excused
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by Sister Evelyn Mattern, North Carolina Council of Churches, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***COMMENDATION - BROUGHTON HIGH SCHOOL GIRLS BASKETBALL TEAM - COMMENDED

Mayor Upchurch recognized the Broughton High School girls basketball team which recently won the state championship. Mayor Upchurch presented a certificate of commendation and congratulation for the work done. The certificate was received by Coach Ed Baldwin and the entire team from Broughton High School.

***PROCLAMATION - VOLUNTEER WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the month of July 1985 as Volunteer Week in the City of Raleigh. The proclamation was received by Bill C. Young, volunteer of the month for July 1984. In accepting the proclamation, Mr. Young expressed appreciation and recognized various volunteers throughout the City.

***VOLUNTEER OF THE MONTH - MARCH AND APRIL - CERTIFICATES PRESENTED

Mayor Upchurch explained the Volunteer of the Month presentation and presented a certificate to Diane Van Duhler for the month of March and Marilyn Harrison for the month of April. The proclamations were received by the persons selected.

***CERTIFICATE OF APPOINTMENT - PRESENTATIONS MADE

Mayor Upchurch explained the presentation of certificates of appointment and presented the following certificates: Appearance Commission - Jerry Traub; Civil Service Commission - Clyde Holt, III and Paul Schiller; Downtown Advisory Committee - Allen Pugh; Fair Housing Hearing Board - Sonia Barnes; Human Resources and Human Relations Advisory Committee - Mary Payne.

***KEEP AMERICA BEAUTIFUL - IRON EYES CODY - COMMENTS RECEIVED

Mayor Upchurch indicated he and Councilman Keller had met Iron Eyes Cody at the airport pointing out Mr. Cody came to Raleigh in connection with the Keep America Beautiful Program. He indicated Mr. Cody is a beautiful individual and it was a great opportunity to meet him and have him in our State.

CONSENT AGENDA

***CONSENT AGENDA - AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor request discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mayor Upchurch requested that the item relating to the Community Development Project - Haywood Street be withdrawn. Without objection, the item was withdrawn. Mr. Cates moved Administration's recommendations on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PRIVILEGE LICENSE - ANNE MARIE SELAYA - APPROVED

This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Anne Marie Selaya. She will be conducting her business at Theotechnia, located at 3901 Barrett Drive. The police report indicates approval.

Recommendation: That this application be approved. Consent Agenda approval: Cates/Walters - 7 ayes.

***SANITARY SEWER EASEMENT - CALVARY DRIVE - CITY TO ACQUIRE

A request has been received from the owner of property on Calvary Drive to extend sanitary sewer service to the North Timbers Apartment Project. The property is within the City and the City is obligated to provide sewer service to the property.

The owner is willing to install the sewer line as part of the apartment project if the City provides the necessary easement of approximately 300 linear feet. A map was in the Agenda packet.

Recommendation: That the Council approve the acquisition of the necessary sanitary sewer easement to serve the property in question. Consent Agenda approval: Cates/Walters - 7 ayes.

***MAY ZONING HEARINGS - TWO MEETINGS SCHEDULED

By March 30, twenty-four applications for zoning map changes had been received.

Recommendation: That the Council approve two hearings with one on Tuesday evening, May 21, and one on Thursday evening, May 23, and that the Council's tour of sites be on Wednesday, May 15, at 8:00 a.m. Consent Agenda approval: Cates/Walters - 7 ayes.

***PULLEN PARK CONCESSION CONTRACT - AMENDMENT - APPROVED

The current concessionaire for sale of balloons and inflated novelty items is no longer interested in this service. The general concessionaire has agreed to amend his contract to provide for sale of these products with the City receiving 32% of gross sales.

Recommendation: That the Council approve amending the Pullen Park concession contract with William R. Reaves to provide for sale of balloons and other inflated novelty items with the City to receive 32% of gross sales. Consent Agenda approval: Cates/Walters - 7 ayes.

***AUDIT CONTRACT - AWARDED TO McGLADREY, HENDRICKSON AND PULLEN - FUNDS APPROPRIATED

It is necessary to execute a contract with the audit firm of McGladrey, Hendrickson and Pullen for the 1985 audit. The fee would be $40,600 for the regular audit and $2,000 for the UMTA audit.

These amounts are in accord with the five-year agreement with this firm which was authorized by the City Council in March, 1982.

Recommendation: That the City Council approve the contract for audit services and a transfer of $1,000 which is needed to fully fund the total fee. A transfer from City Council Contingency into the Auditing Line item is needed and was outlined on the Agenda. Consent Agenda approval: Cates/Waters - 7 ayes. See Ordinance 538 TF 20.

***JOBS BILL FUNDING - REALLOCATION - APPROVED

The Council has previously approved allocation of $2,706 to Lydia Baptist Emergency Home from the Federal Jobs Bill funds contingent upon this operation being relocated to a site which meets all City codes. As of April 10, 1985, the City requirements have not been met by this organization. The allocation of these funds should be shifted to the Meals-on-Wheels Program to meet the June 30, 1985, deadline for expenditure of funds.

Recommendation: That the Council terminate the funding for Lydia Baptist Emergency Home from the Jobs Bill and approve the following transfer:

From:			
43-2-6100-0105	Lydia Baptist Home	CD	$ 2,706.04
To:			
43-2-6100-0101	Meals-on-Wheels	CD	$ 2,706.04

Further, authorize a contract with Meals-on-Wheels for continuation of the hot lunch program. Consent Agenda approval: Cates/Walters - 7 ayes. See Ordinance 538 TF 20.

***STREET CLOSING - PEACE COLLEGE GRADUATION - APPROVED

Peace College has made the request to close Peace Street between Blount Street and Halifax Street on Saturday, May 11, 1985, from 10:15 a.m. to approximately 12:30 p.m. The street closing request is for Peace graduation ceremonies.

This is an annual request from the college and the Police Department has no objection to the street being closed. As in the past, Peace College will be responsible for providing barricades to block the street and the Police Department will assist in placing the barricades in the street and seeing that they are removed upon completion of the ceremonies.

Recommendation: That Peace Street be closed as requested. Consent Agenda approval: Cates/Walters - 7 ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL READING

The following applications were approved on a first reading during the April 2, 1985, Council Meeting:

Peny Kiasengo Di Malanda, Safeway Cab Company
(New Individual Owner's Permit)

Levi Sanders, Jr., Ebony Cab Company
(New Individual Owner's Permit)

Recommendation: That the application be approved on a second and final reading. Consent Agenda approval: Cates/Walters - 7 ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON FIRST READING TO BE PLACED ON MAY 7, 1985 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the May 7, 1985, Agenda for second and final consideration.

Maurice L. N. Ochola, Research Triangle Taxi and Transfer Company (New Individual Owner's Permit)

Johnny Nyaga Kagau, Safeway Cab Company
(Renewal of Individual Owner's Permit)

Recommendation: That the application be approved on a first reading. Consent Agenda approval: Cates/Walters - 7 ayes.

***TAXICAB FRANCHISE - APPLICATION FOR CHANGE OF OWNERSHIP - APPROVED ON FIRST READING - TO BE PLACED ON MAY 7, 1985, AGENDA

In accordance with City Code Section 12-2059, Mr. John H. Bryant has attested to the fact that he is selling his company that operates under the trade name of "Cardinal Cab Company" to Mr. Nelson N. Ngari.

It is understood by both parties concerned that, once change of ownership takes place, there is an automatic revocation of any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs.

On March 19, 1985, Mr. Ngari acknowledged this agreement and at this time is hereby making application for the above mentioned franchise.

An investigation of the applicant was satisfactory; therefore, Administration has no objection to Council approval for such action to be taken.

Recommendation: That approval on the first reading be given to this request and that this request be placed on the May 7, 1985, Council Agenda for second and final consideration. Consent Agenda approval: Cates/Walters - 7 ayes.

***CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for rent-free use of Meeting Room B at the Civic Center on Wednesday, May 8, 1985, from 9:00 a.m. to 5:00 p.m. for the purpose of teaching a one-day course on Civil and Vicarious Liability for all supervisory personnel.

Recommendation: Consent Agenda approval: Cates/Walters - 7 ayes.

***TURKEY CREEK SEWER - FUNDS APPROPRIATED

The Agenda presented a Capital Fund item in the amount of $350,000 from Council Reserve into the Turkey Creek Sewer Expenditure Account explaining this is needed to set up funds for the City's share of the Turkey Creek Sewer as per Council approved agreement. The Agenda outlined the code accounts involved.

Recommendation: That the funds as outlined be approved. Consent Agenda approval: Cates/Walters - 7 ayes. See Ordinance 538 TF 20.

***CONDEMNATION - 3301 WAKE FOREST ROAD - RESOLUTION ADOPTED

It was indicated that efforts have been unsuccessful to obtain right-of-way relating to the Benson Drive Extension involving the property of Herbert B. Ruffin, 3301 Wake Forest Road.

Recommendation: That a resolution of condemnation be authorized. Consent Agenda approval: Cates/Walters - 7 ayes. See Resolution 761.

RESOLUTION (1985) - 761

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF HERBERT B. RUFFIN (3301 WAKE FOREST ROAD).

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by Herbert B. Ruffin for the following public purpose:

To promote the public safety and welfare, to provide means of convenient transportation for the general public, to facilitate the orderly flow of traffic throughout the City, and to provide and improve means of public passage, specifically, to construct and extend Benson Drive.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

an easement for public street purposes, including other customary uses of street right-of-way such as public utility, sidewalk, storm drainage, cable television transmission, and similar related uses, and, in addition, an adjacent permanent sloping easement in and over the property of Herbert B. Ruffin as shown on a map entitled "RIGHT OF WAY ACQUISITION BENSON DRIVE", prepared by the City of Raleigh Department of Central Engineering, dated 3-15-82 and recorded in Map Book 1982, page 674, Wake County Registry.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: April 16, 1985

Effective: April 16, 1985

***ELLINGTON STREET CUL-DE-SAC - CHANGE ORDER #1 - W.E. GARRISON - APPROVED - FUNDS APPROPRIATED

Change Order #1 relating to the Ellington Street cul-de-sac, Postell Street and State Street drainage was presented. The change order relates to W. E. Garrison and is an increase of $7,206.64. The change order is needed to provide necessary funds to complete the cul-de-sac and drainage improvements. The Agenda outlined budget accounts that need to be amended if the change order is approved.

Recommendation: That change order #1 W.E. Garrison be approved and funds transferred as outlined. Consent Agenda approval: Cates/Walters - 7 ayes. See Ordinance 537 TF 20.

***NEUSE RIVER WASTEWATER TREATMENT PLANT - PHASE 2 - CHANGE ORDER #1 - APPROVED

Change order #1 relating to the Neuse River Wastewater Treatment Plant - 40 MGD Expansion - Phase 2 - Triangle Mechanical Contractor was presented. The change order is for a decrease of $6,021 and represents a deletion in the plumbing work due to the decrease in the size of the blower and service building. The Agenda outlined the budget accounts that should be amended if the change order is approved.

Recommendation: That the change order and transfer as outlined be approved. Consent Agenda approval: Cates/Walters - 7 ayes. See Ordinance 538 TF 20.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of the Administrative transfers which have been authorized by the Manager according to Council policy. The Transfers were as follows:

FROM	TO	AMOUNT
01-2-1110-0236	01-2-1110-0705	$500.00
43-2-3090-0237	43-2-3090-0700	$ 80.00
43-2-3100-0231	43-2-3010-0229	$500.00
01-2-1090-0260	01-2-1090-0213	$ 60.00
01-2-1230=0270	01-2-1090-0704	$950.00
01-2-3010-0265	01-2-1230-0231	$500.00
01-2-1090-0260	01-2-1090-0213	$ 35.00
01-2-4020-0225	01-2-4020-0261	$300.00
01-2-4020-0263	01-2-4020-0731	$450.00
01-2-1210-0265	01-2-1210-0265	$400.00
06-2-7040-0725	06-2-7010-0289	$500.00

Recommendation: That the Council concur with the Manager's action on Administrative transfers. Consent Agenda approval: Cates/Walters - 7 ayes.

***TRANSFERS - VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The Agenda outlined recommended transfers within the departments of the City Manager, Police, and Public Works which are recommended for adoption. The Agenda outlined the code accounts involved as well as the need for the transfers.

Recommendation: That the transfers as outlined be authorized. Consent Agenda approval: Cates/Walters: 7 ayes. See Ordinance 537 TF 20.

***BID - ASBESTOS REMOVAL FROM CITY BUILDINGS - BID AWARDED TO HARRIS HUMPHREY AND MOORE, INC. - FUNDS APPROPRIATED

Two bids were received under the City's informal bidding process for the removal of asbestos from first priority locations. These locations are Fire Station #1, Fire Station #5, Jaycee Community Center, Method Community Center, Raleigh Little Theatre, Garris Building, and the Bain Water Treatment Plant. Those submitting bids are as follows:

Harriss Humphrey and Moore, Inc.	$19,450.00
Southeastern Shelter Corporation	$31,690.00

Recommendation: It is recommended that Harriss Humphrey and Moore, Inc., be awarded the low bid in the amount of $19,450. It is further recommended that the following transfer of funds be authorized to provide funding for the contract, contingency, and the additional services of an industrial hygienist to monitor the contractor. Consent Agenda approval: Cates/Walters: 7 ayes. See Ordinance 538 TF 20.

***BIDS - MARSH CREEK MAINTENANCE HEADQUARTERS - STORAGE BUILDINGS - BID AWARDED TO J.C. EDWARDS - FUNDS APPROPRIATED

Bids were received on March 5, 1985, for 24 storage buildings for the Marsh Creek Maintenance Headquarters. The following bids were received:

J. C. Edwards Contracting and Engineering, Inc.	$107,501.00
Sparrow Construction Company, Inc.	120,149.00
C & A Construction Company, Inc.	132,568.00
Terrnell Enterprises, Inc.	161,152.00
Scotic Construction, Inc.	201,100.00

Recommendation: It is recommended that J. C. Edwards Contracting and Engineering, Inc., be awarded the low bid in the amount of $107,501. It is further recommended that the following Capital Project Budgetary Action Form be authorized: Consent Agenda approval: Cates/Walters - 7 ayes. See Ordinance 538 TF 20.

ORDINANCE NO. (1985) 538 TF 20

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$25,000.00
To 39-2-5110-0201	Asbestos A	19,450.00
To 39-2-5110-0203	Asbestos C	5,550.00
Purpose: Removing asbestos.		
From 01-2-1041-0001	Contingency	1,000.00
To 39-2-5110-0204	Asbestos D	1,000.00
Purpose: Removing asbestos.		
From 43-2-6000-0106	Lee Street Mini Park	32.32
From 43-2-6200-0101	ED DHIC	3,407.28
From 43-2-6200-0201	Market Plaza Misc.	88.61
From 43-2-6000-0104	State Street Drainage	1,796.47
From 43-2-6000-0105	Davie Street Widening	1,290.63
To 43-2-6000-0108	Postell Street Drainage	6,615.31
Purpose: Change Order - Ellington Street cul-de-sac, Postell Street and State Street Drainage - #1, W. E. Garrison.		
From 43-2-9070-0300	Rehab Loans & Grants	$ 591.33
To 43-2-9044-0300	Postell Street Drainage	591.33
Purpose: Same as above.		
From 01-2-1040-0001	Council Contingency	$1,000.00
To 01-2-1040-0205	Auditing	1,000.00
Purpose: To provide the balance of funding needed to cover cost of annual financial audit contract for FY 84-85.		
From 43-2-3060-0100	Loans & GrantsGrants	$8,200.00
To 43-2-3060-1300	House Moving Haywood St.	8,200.00
Purpose: Provide funds to relocate 4 houses on Haywood Street.		
From 43-2-3060-0100	Loans & Grants	$118,196.00
To 43-2-3060-1800	Rehab for Resale	118,196.00
Purpose: Provide funds for rehab for resale of 4 houses on Haywood Street.		
From 43-2-6100-0105	Lydia Baptist Home	$2,706.04
To 43-2-6100-0101	Meals on Wheels	2,706.04
Purpose: Continuing hot lunch program to approximately 27 target area residents.		
From 06-2-7100-0001	Council Reserve	$350,000.00
To 81-2-2200-0100	Turkey Creek Sewer	350,000.00
Purpose: Set up funds for City share of Turkey Creek Sewer as per Council approved agreement.		
From 43-2-6000-0106	Lee St. Mini Park	$ 32,32
To 43-2-6000-0108	Postell St. Drainage	32.32
Purpose: Providing necessary funds to complete cul-de-sac and drainage improvements.		
From 43-2-6200-0101	ED DHIC	$3,407.28
To 43-2-6000-0108	Postell St. Drainage	3,407.28
Purpose: Providing necessary funds to complete cul-de-sac and drainage improvements.		
From 43-2-6200-0201	Market Plaza Misc.	$ 88.61
To 43-2-6000-0108	Postell St. Drainage	88.61
Purpose: Same as above.		
From 43-2-9070-0300	Rehab Loans & Grants	$ 591.33
To 43-2-9044-0300	Postell St. Drainage	591.33
Purpose: Same as above.		
From 43-2-6000-0104	State St. Drainage	$1,796.47
To 43-2-6000-0108	Postell St. Drainage	1,796.47
Purpose: Same as above.		
From 43-2-6000-0105	Davie St. Widening	$1,290.63
To 43-2-6000-0108	Postell St. Drainage	1,290.63
Purpose: Same as above.		
From 81-2-1081-0301	NRWWTP - Phase 2 - Plbg.	$6,021.00
To 81-2-1081-0104	NRWWTP - Phase 2 - Misc.	6,021.00

Purpose: Change Order - NRWWTP - Triangle Mechanical Contractor, No. 1.

From	31-2-1000-0100	NRWWTP - Phase 2 - Plbg.	15,686.00
To	31-2-2100-0100	Western Blvd. Sidewalk	15,686.00

Purpose: Establish funding for foot path on Western Boulevard from Kent to Gorman as approved by Council on 3/19/85.

From	01-2-4010-0265	Other Services	$1,960.00
To	01-2-4010-0703	Misc. Equipment	1,960.00

Purpose: Purchasing video equipment to be utilized during public demonstrations.

From	01-2-5050-0239	Service Contracts	$2,440.00
To	01-2-5050-0705	Platform	2,440.00

Purpose: To establish account and provide funds needed to purchase an upright work platform to aid in maintenance operations of division.

From	01-2-5050-0265	Other Services	$7,000.00
To	01-2-5050-0225	Rep. Bldg. & Stru.	7,000.00

Purpose: To provide additional funds for remainder of FY.

From	01-2-5030-0606	Landfill Unit	$102,090.00
From	01-2-5030-0702	Refuse Collection Unit	7,910.00
To	01-2-5030-0239	Contract Services	110,000.00

Purpose: To encumber sufficient funds to pay for container collection contracts through 6/30/85.

From	01-2-6010-0230	M&O	$ 6,750.00
From	01-2-5020-0230	M&O	88,000.00
From	01-2-4030-0230	M&O	75,000.00
To	01-2-5030-0230	M&O	169,750.00

Purpose: To provide adjustment in vehicle operating funds for remainder of FY.

From	01-2-6050-0230	M&O	$ 4,000.00
From	01-2-4040-0230	M&O	10,000.00
From	01-2-6020-0230	M&O	14,000.00
To	01-2-5030-0230	M&O	28,000.00

Purpose: To provide operating funds for remainder of FY.

From	37-2-2471-0100	Maint. Hq. Storage	$107,501.00
To	37-2-2471-0101	Maint. Hq. Storage A	$107,501.00

Purpose: Construction of storage buildings at Marsh Creek Maintenance Headquarters.

From	34-2-1000-0100	Reserve for Council Reserve	$ 500.00
To	01-2-1050-0391	Find My Child	500.00

Purpose: Emergency funding for "Find My child" Program.

From	01-2-1040-0001	Contingency	$ 500.00
To	01-2-1010-0231	Travel	500.00

Purpose: To pay expenses for representative from Milwaukee Sister City Program to assist in Raleigh's International Festival.

***TRAFFIC - VARIOUS CHANGES - ORDINANCES ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to stop sign installation on Ellington Street at Bledsoe Avenue and a yield sign installation on Savannah Drive at Sylvester Street. The Agenda outlined the need for these traffic changes.

Recommendation: That the traffic changes as outlined be authorized. Consent Agenda approval: Cates/Walters - 7 ayes. See Ordinance 539.

ORDINANCE NO. (1985) 539

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP SIGNS" be amended by adding the following:

Ellington Street at Bledsoe Avenue

Section 2. That Traffic Schedule No. 3 entitled "YIELD SIGNS" be amended by adding the following:

Savannah Drive at Sylvester Street

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective April 23, 1985.

Adopted: 4/16/85

Effective: 4/23/85

********* END OF CONSENT AGENDA *********

***COMMUNITY DEVELOPMENT PROJECT - HAYWOOD STREET - APPROVED - FUNDS APPROPRIATED

The City is undertaking the rehabilitation of four houses on Haywood Street. They need to be relocated for better lot layout and yard spacing.

No bids have been received for moving the structures. A negotiated proposal has been received from Chance House Moving Company for $8,200.

Bids have been received for renovation work on the structures. They are as follows:

Contractor	112	113	116	117	Total
C&W Construction	$29,774	$29,324	$29,774	$ 29,324	$118,196
Hayes Construction	39,800	38,950	39,800	38,800	157,350
ARC Construction	54,800	32,380	54,800	33,500	175,480

Recommendation: That the proposal from Chance House Moving Company of $8,200 and the low bid form C & W Construction for $118,196 be approved, and that the appropriate transfer of funds as outlined on the Agenda be upheld. Consent Agenda approval: Cates/Walters - 7 ayes. See Ordinance 538 TF 20.

REQUESTS AND PETITIONS OF CITIZENS

***SIDEWALK - LOTS 24/25 PICKWICK VILLAGE SUBDIVISION - VARIANCE IN GRADE APPROVED

Tom Harris was at the meeting requesting permission to eliminate the requirement for the sidewalk section in the driveway for lots 24 and 25, Pickwick Village Subdivision. He pointed out this is an unusual situation and the last remaining lots in Pickwick. He pointed out there is an extreme drop off and they plan to install the sidewalk but would like to get a variance in the sidewalk grade or the street grade. City Manager Benton indicated Engineering has looked into this and agree that the particular conditions on this lot warrant some modification. The shoulders are built to the standard and the adjacent driveways have been installed according to standards. There is some grade problem because the lots are below the streets, however, Administration can make variances to relieve some of the problems. Administration, therefore, recommends that the variance not be granted and the developer work with our inspector to construct the driveway but keep the sidewalk. Ms. Cates moved Administration's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ENCROACHMENT - 2420 HILLSBOROUGH STREET - APPROVED SUBJECT TO STATE CONCURRENCE

Bill Hooks, representing McDonald's Corporation, was at the meeting requesting permission to enter into an encroachment agreement to allow the existing marquee at 2420 Hillsborough Street to encroach on City right-of-way. He indicated this is the location of the old Varsity Theatre and the existing marquee has been sandblasted, painted, bulbs replaced, etc. He pointed out the sign encroaches 4½ feet into City right-of-way and it is 9 feet 4 inches above the sidewalk.

City Manager Benton indicated Hillsborough Street is a State System Street and he believes it would be appropriate for the City Council to endorse granting of the encroachment over the right-of-way subject to the State agreeing to the encroachment. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Keller. Ms. Block questioned if this would be subject to the regular encroachment agreement with City Manager Benton indicating the State would be the one to grant the easement. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***GROUP CARE FACILITIES - REQUEST TO CHANGE REQUIREMENTS - REFERRED TO LAW AND FINANCE COMMITTEE

Jack Schurman, representing Urban Ministry Center, explained the work of Urban Ministry and their facilities at 410 South Blount Street. He indicated the house has been full every night and on the particularly cold nights, churches have volunteered basements for the overflow of people. He expressed appreciation to the Council for its financial commitment and support in getting this facility constructed. He indicated they have been toying with the idea of providing a place for women but it would be difficult because of financing, the number of volunteers needed etc. He stated at 410 South Blount Street they have 30 to 40 feet at the back of the building and they would like to add a small addition up and down and that would provide a place upstairs for men and a recreational area and downstairs for women plus a recreational area. He pointed out the problem, however, is that the present ordinance says that only 25 people can live in the facility. Therefore, he is at the meeting to ask the Council to change the ordinance to allow 35 people. He indicated each Council Member had received a rough drawing of the proposed enlargement. Mr. Calloway questioned how soon the addition would be made if the ordinances changed with Mr. Schurman indicating the Presbyterian Churches have agreed to pay for the addition and the Home Building Association has indicated they will do the work. Ms. Babb pointed out she feels that this is something that could be worked out; therefore, she would move that the matter be referred to Law and Finance Committee. Without objection, the item was so referred.

***CITY ART GALLERY - LIGHT SCULPTURE - REFERRED TO ADMINISTRATION

Allen Z. Aiches, representing the City Art Gallery, was at the meeting to inform the Council Members about a program planned for June 7 at Moore Square. He indicated the program is being supported by the Grassroots Arts Program and the Raleigh Arts Commission. He explained the sculpture is made out of light and integrated with music. He briefly explained it is hoped the project will accomplish quite a few goals such as attracting people to the downtown area, giving publicity, spurring interest in other programs in the area and a good way to introduce temporary art. He indicated he is at the meeting to ask the general endorsement of the Council of this event and also ask for the support services to be provided by staff of Police, Parks and Recreation, and Civic Center personnel to help with this event.

City Manager Benton indicated there are two issues involved. He indicated working with the Art Gallery which is affiliated with the City and providing staff support to the event. He indicated the other concern relates to the many provisions of the sign ordinance and whether this event would violate those provisions. City Attorney McCormick indicated there is a definite potential conflict with the sign ordinance pointing out he would recommend that Mr. Aiches work with the Inspections Department to make sure that he doesn't have a conflict with the sign ordinance. City Attorney McCormick indicated we have spent some three years in court defending our sign ordinance and he would hate for the Council to endorse something that would be in conflict. In response to questioning, it was pointed out the light sculpture would be only for the evening of June 7. Mr Aiches indicated the sculptor intends to use search lights but they will not be moving. He indicted the sculpture will be built out of lights. After a brief discussion, it was agreed to refer the matter to Administration to work with Mr. Aiches to determine if the proposed event is in compliance with the sign ordinance.

***ENCROACHMENT - 422 SOUTH BLOUNT STREET - APPROVED

H. Glenn Dunn was at the meeting to request an encroachment permit relating to 422 South Blount Street. Mr. Dunn indicated he represents Frank Gailar who owns this property which has been gutted by fire. He indicated his client wants to renovate the building; however, it encroaches approximately 3 inches into the right-of-way of South Blount Street. In response to questioning, City Manager Benton indicated Administration recommends approval of the encroachment provided the standard encroachment agreement is entered into. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***NORTH CAROLINA HOUSING FINANCING AGENCY - HARPS MILL/LITCHFORD ROADS - RESOLUTION ADOPTED

Dale E. Wilkinson, representing Retirement Unlimited, Inc., was at the meeting to request the Council to adopt a resolution allowing participation and utilization of North Carolina Financing Agency funds in connection with 150 units to be built at the southeast corner of Harps Mill/Litchford Roads intersection. He indicated these units would be designed for retired people and would be three story structures. Mr. Walters questioned how many other low or modern income units are in the immediate vicinity. City Manager Benton explained the procedure for utilizing North Carolina Housing Finance Agency pointing out the adoption of this resolution would not preclude the applicants from meeting all land use regulations, zoning, etc. Mr. Calloway motion adoption of the resolution as requested. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985)-762

A RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF RESIDENTIAL DEVELOPMENT TO BE LOCATED IN THE CITY OF RALEIGH

WHEREAS, the North Carolina Housing Finance Agency is authorized pursuant to N.C.G.S. Chapter 122A to assist in the making of mortgage loans to sponsors of residential housing if requested to do so by the governing body of the City in which the housing development is to be located.

WHEREAS, an adequate supply of affordable housing is in the best interest of the health, safety and welfare of the citizens of the City of Raleigh.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the participation of the North Carolina Housing Finance Agency in the financing of the proposed residential development described below and located on Harps Mill Road, in the City of Raleigh, North Carolina is hereby requested and approved pursuant to N.C.G.S. 122A-5(1):

> Building of a retirement center, consisting of approximately 150 units, on a site located at the southeast corner of the Harps Mill Road/Litchford Road intersection in North Raleigh.

Section 2. This Resolution will take effect upon its passage.

***FUNDING - FIND MY CHILD SUPPORT NETWORK - EMERGENCY FUNDS APPROPRIATED

Teresa Bloom, representing Find My Child Support Network, was at the meeting

requesting $500 for emergency funding for the organization. She explained this is a total volunteer organization that works one-on-one, 24 hours per day, 7 days per week with parents of missing children. She explained this is not a duplication of the missing children organization and explained the differences in their work. She stated presently they have one telephone and many times have up to 10 calls at one time. She stated they are able to handle this at the present time as they do have call waiting. She explained in the City of Raleigh last year there were a 185 cases of reported missing children. She explained the work of the organization in detail.

Ms. Babb questioned what the $500 appropriation would cover with Ms. Bloom indicating they have an extra phone setting on the desk and the $500 would cover installation and the monthly phone bill of $125. She pointed out that hopefully they will get contributions to help them continue their work. Lengthy discussion took place as to what area this organization serves, whether Ms. Bloom has approached other government organizations and how the contributions have been coming in. Ms. Bloom pointed out as it stands now, they have nonprofit status from North Carolina and hopefully will be getting their Federal nonprofit status and contributions will continue. It was pointed out that Wake County has given them office space whether Ms. Bloom has applied for future funding from the City, whether the City has the $500, whether she has approached other municipalities in the County, etc. followed. Ms. Babb moved that the City Council approve the emergency funding of $500 out of Revenue Sharing Funds. Her motion was seconded by Ms. Cates and after lengthy discussion put to a roll call vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 538 TF 20.

***COMMUNITY DEVELOPMENT TRI-PARTY AGREEMENT - 802 WEST SOUTH STREET - REFERRED TO ADMINISTRATION

Mrs. Roger L. Cordes, Jr. was at the meeting to discuss the problem she has had relative to purchasing property at 802 West South Street. She explained developments that have occurred since she first tried to purchase the property and get it subdivided. City Manager Benton explained this is a series of complicated efforts, pointing out this is a tract of land that has two houses that the property owner tried to subdivide but could not because of the size. He explained the City Council then approved a condominium project for the site that required a homeowners agreement to be developed and approved. He indicated the problem is that the banks and financial institutions require a one-time payment to process and review the application. He indicated Administration has looked at this and made recommendations with Ms. Cordes indicating the bank has advised that the condominium association agreement the City has approved will not pass Fannie Mae specifications.

Mrs. Cordes indicated they are back where they started, therefore, she is at the meeting to request a variance in the subdivision ordinance to allow the two houses to remain on one lot. Lengthy discussion followed with various persons - Mrs. Cordes, the City Attorney, Mr. Walters, Community Development Director Prosser, etc. explaining what had happened to this point. City Manager Benton indicated the City had questioned HUD as to whether Community Development Funds could be utilized to pay the processing fee and we were told no. Ms. Babb pointed out sometimes the area Administrators could be talked with again. She explained it seems that this is one of those situations where the City of Raleigh and the property owners involved have worked hard but the issue cannot get resolved. She pointed out, however, it seems that there must be a more fundamental problem pointing out if we are working on a program and giving advice on a program that the final result is something that will not be accepted by the banks or financial institution then she sees a problem. She questioned why the City's plans are not developed in accordance with the bank criteria with Community Development Director Prosser indicating he was not aware of this problem as it was his understanding the problem in this case related to the payment of the fees. After lengthy discussion, Mrs. Babb moved that the City Council pass a sense of City Council resolution; that is, that the City Council ask Administration to take this case and ask someone to work closely on the case, retrace what has been done and maybe coming up with a way that the renovation of these two houses can be achieved. Her motion was seconded by Mr. Keller. Mr. Walters pointed out he feels the staff has done their job. The discussions on this item in Real Estate Committee were also reiterated. Ms. Babb indicated she understands the position that the City has taken that is that the staff has done everything but she would like for Administration to go back and retrace their steps and as the steps are retraced look at some other creative way to make things work, not simply just retrace the steps. After lengthy discussion, the motion as stated was put to a vote and passed with all members voting in the affirmative except Mr. Walters who voted in the negative.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

***UNSAFE DWELLING - 1428 SAWYER ROAD - REPEALER ORDINANCE ADOPTED

Housing Inspections Supervisor Bartholomew requested that Ordinance 1985 - 495 as it relates to 1428 Sawyer Road be repealed as that dwelling has been demolished. Mrs. Block moved adoption of the repealer ordinance as requested. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985 - 540

AN ORDINANCE REPEALING ORDINANCE NO. 1985 - 495 RELATING TO 1428 SAWYER ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That 1985 - 495 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

***UNFIT BUILDING - EAST CABARRUS STREET - REPEALER ORDINANCE ADOPTED

Housing Inspections Administrator Bartholomew indicated Ordinance 1985-490 declared property of Mable Smith on East Cabarrus Street unfit. He indicated the house is now vacated and closed; therefore, he would recommend adoption of a repealer ordinance. Mr. Walters moved adoption of the repealer ordinance as recommended. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985 - 541

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. 1985 - 490 RELATING TO THE PROPERTY OF MABEL C. SMITH, LOCATED AT 527 EAST CABARRUS STREET, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. 1985 - 490 relating to the property of Mabel C. Smith and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. 1985 - 490 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective April 16, 1985.

***UNFIT DWELLING - 111 SEAWELL AVENUE - REFERRED TO PUBLIC WORKS COMMITTEE

Housing Inspections Supervisor Bartholomew indicated Ordinance 1985-519 declared property at 111 Seawell Avenue unfit. He indicated the repairs are approximately 80 percent complete; therefore, he would recommend that the item be referred to Committee as a holding action. Mrs. Block moved that the unfit dwelling at 111 Seawell Avenue be referred to Public Works Committee. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

MATTERS SCHEDULED FOR PUBLIC HEARING

***UNSAFE BUILDING - 607 HAYWOOD LANE - RESOLUTION CONFIRMING COSTS - ADOPTED

This was a hearing to consider confirming costs in the amount of $1,749 for abating the unsafe building at 607 Haywood Lane. The property is in the name of Douglas Baker. The Mayor opened the hearing. No one asked to be heard; thus, the hearing was closed. Ms. Babb moved adoption of the confirming resolution as outlined. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 763

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above

referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Douglas Baker	607 Haywood Lane ID. No. 0077395	$1,749.00

Section 3. That this resolution shall become effective April 16, 1985.

***ASSESSMENT ROLL 690 - ATLANTIC AVENUE - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider confirming cost for the construction of Atlantic Avenue according to charges outlined in Assessment Roll 690, adopted by Resolution 1985-747 on March 19, 1985. Chief Engineer Thomas explained the improvements. The Mayor opened the hearing.

James McCullers, West Philadelphia, Pennsylvania, indicated he was representing himself and Naomi Allen, pointing out he has several maps showing the property on Atlantic Avenue and the map he has are different and he has questioned the amount of the frontage that they were charged. Chief Engineer Thomas explained the road split this property and it has some 417 feet on the west side and 395 feet of frontage on the east side. Chief Engineer Thomas indicated if Mr. McCullers has maps showing different information, he would be glad to look at it. Mr. McCullers indicated part of the property was given to the railroad. A brief discussion took place and it was agreed to hold this item until later in the meeting to give Chief Engineer Thomas an opportunity to talk with Mr. McCullers. Nat White indicated he was at the meeting with Mr. McCullers pointing out the boundaries on the map they had do not coincide with the boundaries and the frontages listed by the City. He indicated the roads did divide the property into two parcels and he does not know if the small section on one side of the road is even usable.

Later in the meeting, Chief Engineer Thomas indicated he had discussed the questions with Mr. McCullers and Mr. McCullers is satisfied. Therefore, the charges as outlined could be confirmed. Mr. Walters moved adoption of a resolution confirming charges for construction of Atlantic Avenue according to those outlined on Assessment Roll 690. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 764

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLL 690

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 16th day of April, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985-747 adopted on the 19th day of March, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Roll 690," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

***ANNEXATION - LAKE LYNN; VILLAGE-ON-THE-GREEN; CROWN OAKS, SUMMERFIELD NORTH, WEATHERSFIELD; THE LANDINGS AT NORTH RIDGE; RIVERBIRCH TOWNSHIP - HEARINGS - TO BE PLACED ON MAY 7, 1985, AGENDA

This was five separate hearings to consider the following City initiated annexations:

(1) Lake Lynn Residential

(2) Village-on-the-Green

(3) Crown Oaks, Summerfield North, Weathersfield

(4) The Landings at North Ridge

(5) Riverbirch Township

These procedures are pursuant to the authority vested in the City Council of the City of Raleigh by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina. The City Clerk is hereby certifying to the City Council that the proper notification and advertising procedures have been followed. Maps of all areas under consideration were available at the meeting.

Prior to the beginning of the hearings, City Manager Benton read the procedures for annexation, actions that have been taken to this point as well as the procedure to be followed after today's hearings. Prior to each hearing the Mayor opened the hearing on each area and Assistant Planning Director Breazeale explained the area to be annexed, how it qualifies for annexation, major utility lines proposed and general information on each area. The hearings were as follows:

(1) Lake Lynn Residential - Theodore J. Ciobanu, 7001 Leesville Road, presented Council Members with a map including his property on Leesville Road. He indicated the map outlines an area that encompasses some 45 acres which have only six houses and only 13 persons. He pointed out this is about 3 acres per person, therefore, the area is not urban it is rural in nature. Therefore, they would like to be left out of the annexation at this time. He indicated they are also concerned with the proposal for a 12 inch water line coming by their property pointing out that several of these properties are large acreages or have long frontage and the fees that would be imposed would be out of proportion with the benefit received. He indicated there is an area near them and marked on the map presented to Council that was left out of the proposed annexation. He indicated he did not understand that as there is a fairly new development going on in this area which are townhouses or apartments. He questioned why they were left out of the proposed annexation and his area which is very rural in nature was included. He presented a petition signed by property owners in the area who would like to be left out of the annexation at this time. He pointed out there are existing areas in Raleigh that are completely surrounded by the City Limits but are not in the City Limits and questioned how this occurred. Mrs. Block explained the new State laws which required a due period of notice prior to annexation pointing out the area being referred to that was left out but is being developed possibly was not notified.

Dr. Barrett Kays, 530 North Blount Street, was at the meeting representing Edd K. Roberts, a property owner and portions of Brittany Woods Subdivision. Dr. Kays indicated he was at the meeting to speak in favor of the annexation. He pointed out they brought in one section of Brittany Woods under petition annexation and planned to continue with the petition annexation. He stated, however, they would request that the date of annexation be sometime in 1986 rather than 1985, explaining they have a number of units coming on line and it would be more difficult to qualify for the loan if these units were in the City because of the additional tax, etc. He indicated he feels it would help some potential buyers if the effective date of annexation could be 1986 rather than 1985. No one else asked to be heard; thus, the hearing was closed.

(2) Village-on-the-Green - No one asked to be heard.

(3) Crown Oaks, Summerfield North, Weathersfield - No one asked to be heard.

(4) The Landings at North Ridge - No one asked to be heard.

(5) Riverbirch Township - Russell Simpson, Wendy Ridge Court, President of the Homeowners Association, indicated they are in support of the annexation and they look forward to being residents of the City. No one else asked to be heard; thus, the hearing was closed.

Mayor Upchurch indicated that the five annexations would be placed on the May 7, 1985, Agenda for further consideration.

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. It was explained that the items on the Consent Agenda were identified as to which ones are located within flood prone areas and/or within Falls Basin. The following items were removed from the Consent Agenda: Mayor Upchurch - CR-5490 (SC-2-85), CR-5491 (SC-14-85), CR-5492 (SC-1585) and CR-5527 (rezoning Z-43-85). Mayor Upchurch indicated Mr. Congleton had asked that these items be withdrawn: Cates - CR-5511 (S-51-85) and CR-5521 (S-63-85): Block - CR-5516 (S-57-85). Ms. Babb indicated she would like to be excused from participation in CR-5518 (S-60-85) as her husband is involved in the project. Without objection, the items were removed from the Consent Agenda. Ms. Babb moved the

Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***S-53-85 - BERKSHIRE DOWNS WEST - APPROVED WITH CONDITIONS

This was a request for approval to revise a portion of the previously approved Cluster Unit Development to allow the subdivision and construction of 192 condominium units in 17 buildings, each on a separate lot. The site is zoned Residential-6 (14.39 acres), Conservation/Buffer (.87 acre), Residential-1 (.26 acre), and Industrial-I (1 acre), and is presently undeveloped.

The property is located on the south side of Perry Creek Road, east of U.S. Highway 1, outside the City Limits.

CR-5512 from the Planning Commission recommended that this request be approved according to a map entitled, "Berkshire Downs West," the property of Paragon Development Company, drawn by Paton, Zucchino and Associates, dated March 22, 1985, with the following conditions: (1) That a stormwater management plan be approved by the staff in conformance with the Perry Creek Stormwater Management Policy; and (2) that the cross-access and parking agreements be reviewed and approved by the City Attorney's Office prior to the issuance of building permits. Consent Agenda approval: Babb/Calloway - 7 ayes.

***S-54-85 - RIDGEFIELD CONDOMINIUMS - APPROVED

This was a request for approval to subdivide and construct 42 condominium units in three buildings on 5.59 acres which are zoned Residential-10 and are currently undeveloped.

The property is located on the south side of Lynn Road, on the east bank of Mine Creek, and west of Tributary Drive, inside the City Limits.

CR-5513 from the Planning Commission recommended that this request be approved according to a map entitled, "Ridgefield Condominiums," the property of Gossett's Company, drawn by Gay-Jarvis Associates, Incorporated, dated February 28, 1985. Consent Agenda approval: Babb/Calloway - 7 ayes.

***S-55-85 - WESTLAKE VILLAGE CLUSTER DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to extend the boundaries of a previously approved Cluster Unit Development (S-138-84) to include Lot 56 which consists of 17.03 acres, zoned Residential-6 and Conservation/Buffer. The site is proposed to be developed as a 168-unit group housing project. There will be a density transfer from the 5.22 acres of Conservation/Buffer of 15 units to be allotted to the group housing project. With the addition of Lot 56, the total Cluster Unit Development will meet all density and open space requirements.

The property is located on the east side of Leesville Road on the west bank of Lake Lynn, across from Glendower Drive, outside the City Limits.

CR-5514 from the Planning Commission recommended that this request be approved according to a map entitled, "Westlake Village Cluster Development," the property of Development Associates, Incorporated, drawn by Penny Greene and Associates, dated February 28, 1985, with the following conditions: (1) That the sanitary sewer outfall easement to the south be deeded to the City and, if necessary, have site plan approval prior to approval of any construction drawings if located in the Conservation/ Buffer District; and (2) that the legal documents for the non-profit Cluster Unit Development be reviewed and approved by the City Attorney's Office prior to the issuance of building permits. Consent Agenda approval: Babb/Calloway - 7 ayes.

***S-56-85 - RIVERKNOLL FARMS CLUSTER DEVELOPMENT - APPROVED

This was a request for approval to develop as a Cluster Unit Development a total of 62.23 acres, zoned Residential-4, consisting of 83 single-family lots and 100 townhouse lots. The site is currently undeveloped other than several structures which will be removed.

The property is located on the south side of Poole Road, north of Rock Drive, outside the City Limits.

CR-5515 from the Planning Commission recommended that this request be approved and the 22.71 acres of greenway dedication be accepted according to a map entitled, "Riverknoll Farms Cluster Development," the property of Frank P. Lovick, et al., drawn by J. Fred Davis, dated March 19, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Babb/Calloway - 7 ayes.

***S-58-85 AND PA-39-85 - WASHINGTON PARK - APPROVED

This was a request for approval to construct 167 residential condominium units consisting of eight buildings on 7.54 acres which are currently undeveloped and zoned Office and Institution-I.

The property is located on Washington Street in the Old Methodist Home Property, inside the City Limits.

CR-5517 from the Planning Commission recommended that this request be approved according to a map entitled, "Washington Park," the property of Martin McInnis Hines, drawn by Jerry Turner and Associates, Incorporated, dated March 1, 1985, with the condition that the lots be recombined prior to the issuance of building permits. Consent Agenda approval: Babb/Calloway - 7 ayes.

***S-60-85 - BROADLANDS - APPROVED WITH CONDITIONS

This was a request for approval of variances pursuant to Section 10-3004 on the following lots: Lots 110 and 116 - 10-foot variance on rear yard setback. The site is zoned Residential-6 and is currently being developed as a Cluster Unit Development.

The property is located on East Folkestone Place (Lots 110, 112, 113, 115 and 116) which is in the Broadlands Subdivision on the south side of Trawick Road, outside the City Limits.

CR-5518 from the Planning Commission recommended that these variances be approved according to a map entitled, "Broadlands," the property of Edd K. Roberts, drawn by Derwood Baker, dated February 5, 1985, with the following conditions: (1) That the private driveway easement be recorded to include the existing pavement which encroaches on Lots 115 and 116 prior to the sale of these lots; and (2) that Lots 115 and 116 be recombined in order to bring Lot 116 into a conforming lot size prior to the start or continuation of any construction activity on Lots 115 and 116. Consent Agenda approval: Babb/Calloway - 6 ayes. (Babb excused from participation during vote on the Consent Agenda.)

***S-62-85 AND PA-40-85 - PINE COURT CONDOMINIUMS - APPROVED WITH VARIANCES

This was a request for approval to construct 60 condominium units in five buildings on 2.45 acres which are currently undeveloped and zoned Office and Institution-I.

The property is located on the east side of Falls of Neuse Road, north of Spring Forest Road, inside the City Limits.

CR-5520 from the Planning Commission recommended that this request be approved according to a map entitled, "Pine Court Condominiums," the property of Swoop Associates, drawn by Jerry Turner and Associates, Incorporated, dated April 2, 1985. The Planning Commission granted variances to Sections 10-2075(b)(2) - dwelling entrance relationship and 10-2075(d)(3)(c) - parking to unit setback. Consent Agenda approval: Babb/Calloway - 7 ayes.

***S-64-85 - CHADWICK - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 90 townhouse units on 16.46 acres which are currently undeveloped and zoned Residential-6.

The property is located on the west side of Six Forks Road, north of Crown Oaks Drive at the proposed intersection of Hillstone Drive and Six Forks Road, inside the City Limits.

CR-5522 form the Planning Commission recommended that this request be approved according to a map entitled, "Chadwick," the property of Roebuck Homes, drawn by Jerry Turner and Associates, Incorporated, dated March 26, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Babb/Calloway - 7 ayes.

***PA-32-85 - T. G. I. FRIDAY'S - APPROVED

This was a request for approval to construct a 9,400 square foot restaurant on a 1.78 acre tract which is undeveloped and zoned Shopping Center and Office and Institution-II.

The property is located between Wake Forest Road and Bland Road, on the south side of the old Luther's Restaurant, inside the City Limits.

CR-5523 from the Planning Commission recommended that this request be approved according to a map entitled, "T. G. I. Friday's," the property of Combined America Properties, drawn by George Finch, dated February 28, 1985, revised March 22, 1985. Consent Agenda approval: Babb/Calloway - 7 ayes.

***PA-34-85 - FIRST CITIZENS BANK - APPROVED

This was a request for approval to construct a 1,590 square foot bank on a .67 acre tract which is undeveloped and zoned Office and Institution-III.

The property is located on the southeast corner of Creedmoor Road (N.C. 50 North) and Stonehenge Drive, outside the City Limits.

CR-5524 from the Planning Commission recommended that this request be approved according to a map entitled, "First Citizens Bank," the property of First Citizens Bank, drawn by LaMarr Bunn and Associates, dated March 1, 1985, revised March 22, 1985.

Consent Agenda approval: Babb/Calloway - 7 ayes.

***PA-38-85 - COLONY OFFICE BUILDING - APPROVED WITH CONDITIONS

This was a request for approval to construct a 6,000 square foot office building on a .51 acre tract which is undeveloped and zoned Office and Institution-I.

The property is located on the east side of Six Forks Road, south of the Colony Shopping Center, inside the City Limits.

CR-5525 from the Planning Commission recommended that this request be approved according to a map entitled, "Colony Office Building," the property of Walsmith Associates, drawn by Jerry Turner & Associates and Municipal Engineering Services Company, dated February 6, 1985, revised March 22, 1985, with the condition that the cross-parking and access agreement be reviewed and approved by the City Attorney's Office prior to issuance of building permits. Consent Agenda approval: Babb/Calloway - 7 ayes.

***REZONING - PROPOSED THOROUGHFARE ZONED - PUBLIC HEARING AUTHORIZED

This was a request for approval to authorize a rezoning hearing for May for the properties, shown on the maps attached to the Certified Recommendation, from the existing Industrial-I and Office and Institution-III zoning to Thoroughfare District.

CR-5526 from the Planning Commission recommended that the properties shown on the maps attached to CR-5526 be advertised for rezoning to Thoroughfare District, to be heard at a rezoning hearing in May. Consent Agenda approval: Babb/Calloway - 7 ayes.

*** END OF PLANNING COMMISSION CONSENT AGENDA ***

***SC-2-85 - KENTUCKY FRIED CHICKEN SIGN - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to construct a 173 square foot freestanding sign on a 0.47 acre parcel, which is zoned Shopping Center. The site is under construction as a restaurant.

The property is located on the west side of Falls of Neuse Road, just north of Spring Forest Road.

CR-5490 from the Planning Commission recommended that this request be approved according to a map entitled, "Kentucky Fried Chicken Sign," the property of Kentucky Fried Chicken, drawn by Watco, Incorporated, dated February 14, 1985, with the condition that the "bucket" logo be removed from the sign which will bring the remaining sign into conformance with the City Code.

Mayor Upchurch indicated Mr. Congleton had asked that this item be referred to Law and Finance Committee. Brief discussion took place as to whether this would cause a problem with the petitioner and why Mr. Congleton wanted the item referred to Committee. Mrs. Block moved that SC-2-85 be referred to Law and Finance Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-14-85 - P. D. QUIX SIGN - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to construct a 140 square foot freestanding sign on 0.9 acre, zoned Shopping Center, developed with a restaurant.

The property is located on the west side of Falls of Neuse Road, just south of Sandy Forks Road, inside the City Limits.

CR-5491 from the Planning Commission recommended that this request be approved according to a map entitled, "P. D. Quix Sign," the property of Restaurant Ventures, drawn by Allen Displays, Incorporated, dated February 26, 1985. Mayor Upchurch indicated Mr. Congleton had asked that this item be referred to Law and Finance Committee. Brief discussion took place as to whether this would cause the applicant any problem and why Mr. Congleton wanted the item referred to Committee. Mrs. Block moved that SC-1485 be referred to Law and Finance Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-15-85 - UNIVERSAL PRINTING SIGN - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to construct a 104 square foot freestanding sign on a 0.3 acre parcel which is developed as a commercial building, zoned Shopping Center.

The property is located on the west side of Falls of Neuse Road, just south of Sandy Forks Road, inside the City Limits.

CR-5492 from the Planning Commission recommended that this request be approved according to a map entitled, "Universal Printing Sign," the property of Universal Printing and Publishing Company, drawn by Art Sign, dated March 1, 1985, with the condition that one line of copy, or the "logo," is removed so that the sign will conform to limitations of the existing sign ordinance. Mayor Upchurch indicated Mr. Congleton had requested that this matter be referred to Law and Finance Committee. Brief discussion took place as to whether this would cause the applicant any problem and why Mr. Congleton wanted the item referred to Committee. Ms. Block moved that SC-1585 be

referred to Law and Finance Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-51-85 - COUNTRY CLUB HILLS - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 1.3 acre parcel into three lots, zoned Residential-4. The site is presently developed with two single-family dwellings, each located on a separate lot. The new lot is being created at the rear of the two existing lots.

The property is located at the northeast corner of the intersection of Granville Drive and Transylvania Avenue, inside the City Limits.

CR-5511 from the Planning Commission recommended that this request be approved according to a map entitled, "Country Club Hills," the property of Phillip W. Craig and John C. Hanner, drawn by John Y. Phelps, Jr., dated February 3, 1985, with the condition that improvements of one-half of a 31-foot back-to-back street section be made to both Granville Drive and Transylvania Avenue.

Planning Director Chapman explained the proposed subdivision. Chairman McNeeley indicated the staff had no latitude but to make the recommendation that improvements of one-half of the 31-foot back-to-back street be made on Granville Drive and Transylvania. He pointed out, however, the Planning Commission had recommended that that requirement be waived. Ms. Cates asked that this subdivision be discussed in context with the Archie King Property (Subdivision S-63-85) later on in the Agenda. Planning Director Chapman explained that subdivision pointing out it is a similar situation but in the King Property Subdivision, the adjacent property is undeveloped and as that property develops the street will have to be widened with Ms. Cates pointing out as she understands it that there is room for development as it relates to S-63-85 and that is why improvements are being required.

Ms. Cates indicated she had asked the City Manager to check into the streets in the Country Club hills to see which ones need improvement. She indicated these particular streets may be eligible for curb and gutter or they may be minor residential streets that don't require curb and gutter for improvement. She indicated if these streets are improved then the property owner would pay the assessment. City Manager Benton explained the City policy of the City not resurfacing a street unless it meets City Standards. He indicated Granville Drive does connect to a number of streets in this area and cautioned the Council about making an exception to this policy unless the policy itself is discussed. Ms. Cates moved that Subdivision S-51-85 be referred to Public Works Committee. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-57-85 - HARRELSON PARK - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide 2.9 acres, zoned Neighborhood Business and Residential-10, into two lots. An existing building is located on the site and will remain on a separate lot.

The property is located on the south side of Western Boulevard, west of the Buck Jones Road intersection, outside the City Limits.

CR-5516 from the Planning Commission recommended that this request be approved according to a map entitled, "Harrelson Park," the property of James E. Harrelson, Sr., and Gregory Lee Ferrell, Sr., drawn by Staton and Associates, dated February 28, 1985.

Planning Director Chapman explained the requested subdivision. Chairman McNeely explained the Planning Commission's discussion on this item. Mrs. Block indicated she had questions about the division of the lots and on the divided lots, if each would be a unified zone. Mrs. Block moved that this item be referred to the Public Works Committee. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-63-85 - ARCHIE KING PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a one-acre parcel, zoned Residential-4, into two lots. A one-story, single-family dwelling will remain on the site on its own lot. A waiver is also requested to the street improvements to Ed Drive (one-half of a 41-foot back-to-back street section).

The property is located on the north side of Ed Drive, east of the intersection of Blue Ridge Road, outside the City Limits.

CR-5521 from the Planning Commission recommended that this request be approved according to a map entitled, "Archie King Property," the property of Archie C. King, drawn by Derwood W. Baker, dated March 19,. 1985, with the condition that the required road improvements of one-half of a 41-foot back-to-back street, plus sidewalk, be made or bond be posted on improvements prior to recording the final plats; and that the requested variance to the road improvements be denied.

Planning Director Chapman explained the request. Mr. McNeely explained the discussions of the Planning Commission.

Mrs. Cates moved approval of the Planning Commission's recommendation as her question had been cleared up. Her motion was seconded by Mr. Keller. Mr. McNeely indicated

the property owner, Archie King, wanted to make a statement. Mrs. Cates indicated Mr. King does plead hardship and she would like him to be able to speak.

Archie King indicated for five years he has been trying to build a house at 3808 Ed Drive and could not do this as he did not have enough land and could not put two houses on one acre. He indicated there was no City water or sewer. He indicated he and his wife contacted the Planning Department when the apartments across the street were built to determine if the City water was coming down Ed Drive and he was advised that the water would in fact go down Ed Drive. He indicated at that time they had to have 30,000 square feet to build a home with City water but has since been changed to 20,000 square feet if they hook onto City water. He indicated he has been advised it would cost $1,200 to hook to City water since they are not in the City limits. He indicated Ed Drive is a dead end street and he paid $650 eight years ago to have his part of the street paved. He noted he understands the City will take them in and had no problem paying the $12 per foot assessment but indicated he did have a problem with the $10,200 to install the curb, gutters and paving. He indicated he would be the only house on the street with curbs and gutters. He indicated he understood there was a variance on Lake Wheeler Road and New Bern Avenue where the same problem existed and would appreciate the Council considering providing a variance. Mrs. Block questioned if in a case like this if a bond could be put up to postpone building of the curb and gutters noting she felt the road would eventually go through. Mr. Benton indicated his question is if Mr. King wants to subdivide his property. Mr. King indicated he must go on with this noting after he found out this could be done he and his wife purchased a house to be moved to this property and he has no choice in this matter. Mrs. Block indicated Mr. King could work out posting of a bond with the City Administration.

Following discussion, a vote on the motion was taken and unanimously passed. The Mayor ruled the motion adopted.

***REZONING Z-43-85 - FALLS OF NEUSE ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately .23 acre from Residential-1 to Shopping Center.

CR-5527 from the Planning Commission recommended that Z-43-85 be approved as requested.

Mayor Upchurch indicated Mr. Congleton had asked that this matter be referred to Law and Finance Committee. Mr. Calloway moved that the matter be referred to Law and Finance Committee. His motion was seconded by Ms. Cates. Mr. Walters indicated he did not see any reason to refer this to a Committee. He stated we have gone through the whole procedure for public hearing, etc. and to delay at the request of a Council Member, he feels is unfair. Ms. Block indicated she did not know why Mr. Congleton wanted to pull this case. Planning Director Chapman explained the rezoning request and Mr. McNeely explained the Planning Commission recommendation. After brief discussion, the motion to refer to the matter to Committee was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS, AND BOARDS

***HISTORIC DISTRICTS COMMISSION - NO ACTION TAKEN

The City Clerk reported one vacancy due to the resignation of William H. Bingham, Jr. Nominations include Vivian Irving and Stan Caton. Nominations have not been closed. Ms. Babb moved that nominations to the Historic Districts Commission be closed. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Caton - 3 (Walters, Cates, Block); Irving - 4 (Keller, Babb, Upchurch, Calloway). Since no nominee received 5 votes, it was agreed to hold additional balloting until next meeting.

***HOUSING AUTHORITY - BOARD OF DIRECTORS - WILLIAM WINDLEY REAPPOINTED

The Clerk reported the term of William R. Windley expires June 7, 1985. He has been nominated for reappointment and nominations have not been closed. There being no further nominations, Ms. Babb moved that nominations to the Housing Authority be closed and Mr. Windley appointed by acclamation. Her motion was seconded Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***FAIR HOUSING HEARING BOARD - APPOINTMENTS MADE

The Clerk reported the term of H. B. Pickett and Robert Learoyd expire May 2. Nominations include Mr. Pickett, Mr. Learoyd and Betty O. Mangum. Nominations have not been closed. There being no further nominations, Ms. Cates moved that nominations to the Fair Housing Hearing Board be closed. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Pickett - 5 (Upchurch, Babb, Walters, Cates, Calloway); Learoyd - 4 (Upchurch, Block, Keller, Walters) Mangum - 5 (Block, Keller, Babb, Cates, Calloway) The Mayor announced the reappointment of H. B. Pickett and appointment of Betty O. Mangum to the Fair Housing Hearing Board.

***PLANNING COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of Thomas C. Worth, Jr. expires June 2. He has been nominated for reappointment by Mayor Upchurch. Nominations have not been closed. Mayor Upchurch indicated Council Members have received a copy of letter form Mr. Worth and at Mr. Worth's request, he would withdraw his name from nomination for reappointment to the Planning Commission. Ms. Babb nominated Betty Twiggs. Mr. Walters nominated Ken Durham. Ms. Cates nominated Norma Burns. No further action was taken.

***TELECOMMUNICATIONS COMMISSION - JOAN BARON - APPOINTED CHAIRPERSON

The Clerk reported the Chairman position of the Telecommunication Commission is vacant. Joan Baron has been nominated; however, nominations have not been closed. There being no nominations, Ms. Babb moved that nominations for chairperson to the Telecommunication Commission be closed and Ms. Baron appointed by acclamation. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***DOWNTOWN ADVISORY COMMITTEE - NOMINATIONS MADE

The City Clerk indicated she has received a letter of resignation from Tony Lanzillo - Downtown Advisory Committee. She pointed out Mr. Lanzillo is at-large representative and there is no set number, therefore, this position could be filled or left vacant. Ms. Babb nominated Steve Merritt.

***ECONOMIC DEVELOPMENT ROUNDTABLE - SUGGESTIONS ON ADDITION - MADE

The Clerk indicated the staff and members of the Economic Development Roundtable desire to have two additional persons appointed to the Economic Development Roundtable in the interest of broadening the group and adding expertise. Those suggested are Bob Leak, President of the Research Triangle Foundation of North Carolina and Lee Hood Capps, Triangle J Council of Governments. The Clerk was requested to check to determine if these people lived in the City of Raleigh and a decision would be made at the next meeting.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***PA-30-85 - SANDY FORKS ASSOCIATES - APPROVED WITH CONDITIONS; ADMINISTRATION TO LOOK AT VARIANCES IN GROUP HOUSING ORDINANCE

Mr. Keller reported the Law and Finance Committee recommends that the Planning Commission's recommendation as outlined on CR-5478 be upheld; that is, that this request be approved according to a map entitled, "Sandy Forks Associates," owned by Sandy Forks Associates, drawn by Angshuman De Architects, dated February 1, 1985. The Planning Commission granted variances to Section 10-2075(b)(3) - Yards, and 10-2075 (b)(3)(c) - Parking to Building Setbacks, with the further condition that the developers be required to add four feet of paving on the north side of Sandy Forks Road to allow for a turning lane.

The Committee also asked that Administration look at the Group Housing Ordinance relative to variances that have been granted and bring recommendations back to the Council. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TC-272 - ACCESSORY USE/PRIVATE RECREATIONAL USE STANDARDS - ORDINANCE ADOPTED

Mr. Keller reported the Law and Finance Committee recommends that the Planning Commission's recommendation of approving the text change as amended and as attached to CR-5482 be upheld. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block and put to vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 542 TC 236

AN ORDINANCE TO AMEND THE NONPROFIT RECREATIONAL FACILITIES ORDINANCE AND TO APPLY ITS STANDARDS TO GROUP HOUSING DEVELOPMENTS WHICH LOCATE RECREATIONAL FACILITIES ON THE PERIPHERY OF THE DEVELOPMENTS.

WHEREAS, nonprofit recreational facilities enhance the value of residential developments, provide facilities for leisure time, and reduce the need for public facilities; and

WHEREAS, the City Council finds that nonprofit recreational facilities are smaller in size and scale than similar facilities which are operated for profit and which are available to the general public and because of this nonprofit recreational facilities are less objectionable than profit-making facilities; and

WHEREAS, Nonprofit recreational facilities are required by the City Code to observe certain setbacks but recreational facilities in group housing projects are not.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. The language following the words "Chapter 3" in Raleigh City Code

subsection 10-2023(1)m is revealed in its entirety and in lieu thereof the following is inserted: ", Article D of the Code.:

Section 2. Subsections 10-2026(f)(1)(i) through (v) and subsections 10-2026(f)(2)(i) through (v) are relettered (f)(1) a. through e. and (f)(2) a. through e. Relettered subsection 10-2026(f)(1)d is amended to insert immediately before the period the following: ", all in accordance with section 10-2075(e)". Relettered subsection 10-2026(f)(2)e. is amended to change the code references therein from 10-2026(f)(1)(ii) and (iii) to 10-2026(f)(1)b. and c.

Section 3. The first sentence of subsection 10-2073(c)(27) of the Raleigh City Code is hereby amended to insert after the word "permit" the following: "in agricultural productive, residential, office and institution I and II, buffer commercial, shopping center, neighborhood business, business and thoroughfare zoning districts.".

Section 4. Subsection 10-2073(c)(27)d of the Raleigh City Code relating to minimum land area of recreational facilities is hereby repealed in its entirety and subsections 10-2073(c)(27)e through h are relettered d through g.

Section 5. Relettered subsection 10-2073(c)(27)d of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(d) That no water surface area of a swimming pool or wading pool, diving area, outdoor play court, such as tennis or basketball court, play or equipment area, other active recreational use, or driveway and parking area for such facilities shall be closer than fifty feet to a lot line of any property zoned conservation buffer, residential, or both (this does not mean the street right-of-way lines; setback requirements of the district will control in this case); except for swimming and wading pools which are only lighted under-water, all other lighted recreational facilities shall be set back one hundred feet. These setback areas may be used for passive recreational facilities such as nature and jogging trails and may contain enclosed roofed structures, if otherwise permitted by this code.

Cross-reference - fencing of outdoor swimming pools inside the city limits §13-2028.".

Section 6. Relettered subsection 10-2073(c)(27)e of the Raleigh City Code relating to off-street parking is amended to change the code reference therein from 10-2061(a)(3) to 10-2061(a)(3)m.

Section 7. Subsection 10-2075(e) of the Raleigh City Code is hereby amended to create two paragraphs, the first paragraph comprises the first two sentences of said section. Said subsection is further amended to add two new sentences to the first paragraph which shall follow the second sentence and they shall read as follows:

"If active recreational facilities are constructed which adjoin properties zoned conservation buffer, residential, or both and such properties are neither approved and developed as part of the group housing project, nor as part of the developed townhouse; condominium; or cluster development approved under section 10-2072, then at least the minimum setback requirements of section 10-2073(c)(27)d shall be applied from the recreational facilities to these adjoining properties; however, the planning commission may vary these requirements if, in its judgment, effective south and visual barriers can be placed or erected in a manner that achieves superior or the same effect as these setback standards. But no swimming pool with any linear dimension greater than sixty-five feet or with any area in excess of four-thousand square feet shall be built without the approval of the Raleigh Board of Adjustment in accordance with section 10-2073(c)(27).".

Section 8. The fourth sentence of Raleigh City Code subsection 10-3071(b)(6) concerning improvements to open space areas is amended to insert immediately before the period the following: "and that the standards of section 10-2075(e) are met.".

Section 9. The last sentence of Raleigh City Code subsection 10-3072(a) is amended to insert immediately before the period the following: "; however, nothing in Chapter 2 shall prevent open space areas only in excess of the required minimum to be located on separate lots owned by the homeowners' association, provided the common area is approved by the City at the same time as the adjoining condominium development and at least fifty percent (50%) of the separated lot adjoins or is directly opposite the condominium development.".

Section 10. The words "planned unit" appearing in the second sentence of subsection 10-3073(b) are changed to read "cluster unit."

Section 11. Subsection 10-3073(b)(2) of the Raleigh City Code is hereby amended to add a new last sentence which shall read as follows:

"Common areas used exclusively for open space area in excess of the required minimum may be located on separate lots owned by the homeowners' association provided the common area is approved by the city at the same time as the adjoining townhouse development and at least fifty percent (50%) of the separated lot adjoins or is directly opposite the townhouse development.".

Section 12. All ordinances and clauses in conflict herewith are hereby reealed

to the extent of said conflict.

Section 13. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation for the Planning Commission.

Section 14. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 15. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City code.

Section 16. Sections 8 through 11 of this ordinance have been filed with the Register of Deeds of Wake County as required by law.

Section 17. This ordinance shall become effective five days following its adoption.

Adopted: 4/16/85

Effective: 4/21/85

***TRIANGLE J COG - CITY MEMBERSHIP AND COST - LETTER OF CONCERN TO BE WRITTEN; ITEM RETAINED IN COMMITTEE

Mr. Keller reported the Law and Finance Committee recommends that the City Council express to Triangle J COG its concern on two principle areas - (1) method of assessment and the fact that the City would like to have a more equitable method of assessment, and (2) that the City Council may instruct its delegate to call for weighted voting and the City Council would like to see weighted voting implemented. The Committee will hold the item on its Agenda for further information on the assessment of the City's membership and cost. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Mrs. Block.

Mr. Walters indicated he appreciated the Committee changing the word "will" to "may." He indicated weighted voting is something that is available now and it has been used several times. He stated Intergovernmental relationships should be on a friendly basis and we have weighted voting available but he does not feel it should be called on every vote as it would be destructive. Ms. Block indicated Mr. Walters is correct in that the provision for weighted voting has been there all along. She stated, however, she feels that we should call for weighted voting on certain items particularly the method of assessment. She indicated in her opinion the current method of assessment is unfair. Ms. Babb indicated, in her opinion, the statement made by the Law and Finance Committee is a minimum type statement. She indicated the issue that came up was the method of assessment and before the City responded enough people, in unweighted voting, agreed and made something happen. She indicated she wants to further look at this item to determine what the City of Raleigh is getting, cost/benefit, etc. She stated in her opinion the motion coming out of the Law and Finance Committee is a fairly mild statement in that we are saying to our delegates that on some key issues on which the City may call for weighted votes.

Lengthy discussion took place. Ms. Cates indicated she wanted to go on record as saying that she has no problem as to whether or not the City of Raleigh is getting its money's worth. She stated she has no problem with the City paying the $55,000 as she feels that what the Triangle J is doing is well worth that. She indicated it provides an avenue of everyone getting the same information at the same time and pointed out that Raleigh is not an island that what goes on in Raleigh has an effect on the rest of the County and vice versa. She indicated she does have a problem with this discussion as she supports Triangle J COG, she feels they are very necessary and she has no problem with the way they are operating. Ms. Block indicated she had been a delegate to COG for many years and understood the operation of COG. She indicated she does have problems with the method of assessment and she feels that the City of Raleigh should direct our efforts towards a more equitable distribution of assessment. She stated she in no way wants to destroy COG and doesn't want to call for weighted votes on everything, but she does see that at times there would be a need. Lengthy discussion followed with various Council Members providing input on their feeling as to the importance of COG, what this motion would mean and the further study that the Law and Finance Committee plans to do. Mr. Keller pointed out he feels that this does point to a need to have some type of regular policy for various Council Liaison people and/or advisory groups to report back to the City Council on what is going on, work of that Committee or group, etc. Mr. Walters stated he has no concerns that Triangle J COG is not working well. He pointed out, he too would agree with Mr. Keller in that maybe we do have a lack of communication. He stated he feels that Triangle J COG would welcome the opportunity to make a periodic report to the City Council.

After lengthy discussion, Ms. Cates made a substitute motion that this item be held in Law and Finance Committee until the Committee has completed its assessment of the City's Membership and cost and bring the whole item back to Council at one time. Her substitute motion was seconded by Mr. Walters and put to a vote with results as follows: Ayes - 2 (Cates, Walters); Noes - 5 (Babb, Block, Calloway, Keller, Upchurch). The Mayor ruled the motion defeated. The original motion which was the recommendation of the Law and Finance Committee was put to a vote with all members voting in the affirmative except Ms. Cates and Mr. Walters who voted in the negative.

The Mayor ruled the motion adopted.

Mr. Keller indicated he would like to see some procedure for report on a regular basis from these advisory types Committees. The item was referred to Administration.

***YOUTH COUNCIL - REVIEW OF MINUTES - RECEIVED - REFERRED TO VARIOUS DEPARTMENTS

Mr. Keller reported the Law and Finance Committee recommends acceptance of the Youth Council Minutes, commending the Youth Council for taking up items that are presently being discussed by Council, with the understanding copies of the minutes will be forwarded to appropriate departments of the City for their information. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PUBLIC STREETS - USED BY CONSTRUCTION EQUIPMENT - REFERRED TO ADMINISTRATION

Mr. Keller reported the Law and Finance Committee recommends that Administration encourage the development community to erect construction entrances where possible and to ensure utilization of construction entrances pointing out it will be to the benefit of the developer to have separate construction entrances. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***RICHLANDS DEVELOPMENT IDENTIFICATION SIGNS - APPROVED WITH CONDITIONS

Mr. Keller recommends approval of an encroachment agreement allowing for the erection of an identification sign on public right-of-way at the intersection of Duraleigh Road and Sagewood Drive with the understanding the standard encroachment agreement will be entered into and the developer will comply with the Department of Transportation's recommendations relative to building the sign with "breakaway" construction. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***EVALUATION PROCEDURES - COUNCIL APPOINTED EMPLOYEES - ADOPTED

Mr. Keller indicated Council Members will receive in their Agenda packet evaluation forms and a summary form which is recommended for use in Council evaluation of the City Manager, City Attorney, and City Clerk. Mr. Keller indicated the forms that have the questions are considered to be worksheets to get everyone together and working and evaluating along the same lines. He indicated each City Council Member will fill out an evaluation form and then the Mayor would summarize on the summary form and that is what would be presented to the employees. He indicated the Law and Finance Committee was very pleased with the forms that were developed pointing out the Personnel Director has worked close with the Committee and they would express appreciation to Personnel Director Dominick for his work. Ms. Block commended the Law and Finance Committee for their work. Mr. Keller moved approval of the forms and procedure as presented. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***LEA FUNERAL HOME - PAVING OF PARKING LOT - REMOVED FROM THE AGENDA

Mrs. Block reported the Public Works Committee recommends that this item be reported out with no action taken as Administration advised that the appropriate bond has been received and a Certificate of Compliance has been issued through December 31, 1985. By that time, the work will need to have been completed or the bond will be called. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-264 - TACO BELL DRIVE-THROUGH WINDOW ADDITIONS - APPROVED AS AMENDED

Mrs. Block reported the Public Works Committee recommends that the amended plan submitted by Taco Bell be approved. The plan is entitled, "Taco Bell," revised date March 4, 1985. The new plan does provide for adequate stacking of cars. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PU 1985-6 - TRYON ROAD - RESOLUTION DIRECTING ADOPTED; STATE PROPERTY TO BE EXEMPT FROM ASSESSMENT

Mrs. Block reported the Public Works Committee recommends adoption of a resolution directing the installation of approximately 5,700 feet of 12-inch water main from the existing 12-inch main on Tryon Road to Old Garner Road to tie into the existing 12-inch line. The assessment will be on a front footage basis. It is understood that the State property will be exempt from the assessment due to the fact that the proposed water line is needed by the City, the State is constructing Tryon Road and would have the right to grant or deny easement for the water line if the road was not being built and the State has already paid acreage and tap fees for the water line in Old Garner Road. The Committee recommends that their request to be exempt from

assessments should be honored. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 765

A RESOLUTION TO DIRECT THAT THE WATER OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985-6 - Installation of approximately 5,700 feet + of twelve-inch water line from existing twelve-inch main on Tryon Road to Old Garner Road; thence to tie into existing twelve-inch line on Old Garner Road along Tryon Road extension.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

***SUBDIVISION S-43-85 - DUAL CARBURETION SYSTEM, INC. - APPROVED WITH CONDITIONS

Mrs. Block reported the Public Works Committee recommends that this request to subdivide 1.4 acres into two lots, zoned Industrial-II, be approved according to a map entitled, "Dual Carburetion Systems, Inc.," the property of Dual Carburetion Systems, Inc., drawn by Triangle Engineering Services, Inc., dated January 30, 1985, with the condition that the improvements be made to Old Louisburg Road as specified by the City Department of Transportation prior to the recording of the plats. As a matter of information, it was reported that the owner has the option to post bond in lieu of the road improvements if he so desires. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PUBLIC UTILITIES - CITY CODE AMENDMENTS - APPROVED

Mrs. Block reported the Public Works Committee recommends approval of the ordinance to re-codify Chapter 2, Part 8, of the Raleigh City Code relating to Public Utilities as submitted. (Section 32 of the proposed ordinance has been changed to reflect new code references due to changes that have been adopted since the proposal was written.) On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 543

AN ORDINANCE TO RECODIFY CHAPTER TWO, PART EIGHT OF THE RALEIGH CITY CODE.

WHEREAS, Article 16 Chapter 160A of the General Statutes authorizes the City of Raleigh to engage in utility services; and

WHEREAS, the City of Raleigh has enacted water and sewer service ordinances but these ordinances do not reflect state environmental permitting laws, and recent changes made in other City code provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 8-2001 of the Raleigh City Code is recodified as section 8-2002 and immediately preceding this recodified provision new section, 8-2001, is hereby enacted which shall read as follows:

"Sec. 8-2001. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them respectively:

Dedicators. "Dedicators" shall mean and include the person owning or constructing any private utility system being dedicated to the city.

Gross acre. "Gross acre" shall mean the total area contained within any lot, tract or parcel, including common areas and private streets for developments authorized by article D Chapter 3, Part 10 of this code, which is derived from a map recorded with the Wake Registry notwithstanding any lien, covenant, land use restriction (such as floodway) or public or private easement which may affect the lot, tract or parcel; each lot, tract or parcel.

Major water and sewer mains. "Major water and sewer mains or major water and major sewer mains" shall mean those water and/or sewer lines which are twelve (12) inches in diameter or greater.

Tap size. "Tap size" shall mean the nominal diameter of the connection of the waterline installed between a water meter assembly and the water main connected to the water utility system of Raleigh without regard to the configuration of that water assembly or ownership of the water meter assembly, service or water main.

Utility system, utility lines. "Utility system or utility lines" shall mean and include water pipe lines and sewer pipe lines (either/or both as determined by the context), and shall include all pipes, valves, valve boxes, hydrants, and other fixtures, equipment, and apparatus connected to and forming a part of the main water or sewer pipe lines and systems or both, and all appliances necessary and convenient thereto. The utility lines dedicated to the city shall include only main distribution lines, valves, hydrants and other apparatus, fixtures and equipment forming a part of the lines laid in public streets, roads, highways and alleys or across City of Raleigh utility or sanitary sewer easements on private property, and shall not include lines leading from mains to building connections on private property and shall not include the water or sewer lines within any residences or other privately-owned building. utility lines built in accordance with city/county contract dated January 1985 are part of the city's utility system. Utility lines built in accordance with city/county contract dated January 1985 are part of the city's utility system.

Water service stubs and (building sewer) sewer service stubs. "Water service stubs and (building sewer) sewer service stubs" shall mean those portions of the water service and building sewer pipes which connect to the city's water and sewer mains and extend to the boundaries of public easements and rights-of-way.".

Section 2. Section 8-2002 of the Raleigh City Code entitled replacement of water or sewer services is hereby amended to change the section from 8-2002 to 8-2003 and to change in both the title and text the plural word "services" to the singular word "service" and to insert after the word "service" the word "stubs." Said section is further amended to insert after the word "lines" the following words:" "initiated by the public." The cross-reference following this section is relocated to follow section 8-2002 as recodified by section one of this ordinance.

Section 3. Section 8-2003 of the Raleigh City Code entitled responsibility for making connections is recodified as section 8-2004 and following the end of said section the following references are added:

> "Cross-reference: technical provision concerning plumbing requirement on making utility connections part 10, ch. 6, art. E.
>
> Cross reference: street maintenance, Part 7, Chapter 2
>
> State law reference: permits required for work in state road G.S. 136-93.
>
> State law reference: license for public utility contractors G.S. 87-10.".

Section 4. Section 8-2004 of the Raleigh City Code is recodified as section 8-2038 and said recodified section shall follow the provisions entitled "Charge in lieu of assessment on property not assessed," as provided in section seventeen of this ordinance.

Section 5. The first sentence of section 8-2005 of the Raleigh City Code relating to meter requirements is amended to delete the words "building provided" and in lieu thereof the following words are inserted "lot at the time of connection." The second and third sentences of section 8-2005 of the Raleigh City Code relating to placement of meters is amended to delete the following language " - by-two-foot." Said section is further amended to add a fourth sentence which shall follow the third sentence, and it shall read as follows: "All meters shall conform to the standards and material specifications of the city.".

Section 6. The word "planned" appearing in subsection 8-2006(4) of the Raleigh City Code is changed to read "cluster."

Section 7. Subsection 8-2007(3) of the Raleigh City Code is hereby amended to delete the words "at a location" and in lieu thereof the following words are inserted: "or in a two foot easement adjacent to the street right-of-way at such locations."

Section 8. The word "meter" which appears the second time in the first sentence

of subsection 8-2007(4) of the Raleigh City Code is made plural, and shall now read "meters."

Section 9. The last four sentences of subsection 8-2007(5) of the Raleigh City code shall be made into a new separate subsection, subsection 8-2007(6).

Section 10. Subsection 8-2007(6) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"Sec.8-2010. Emergency discontinuation of service and repairs.

The responsibility for maintaining and repairing sewer and water stubs shall be in accord with City Code section 10-6082. The repair of all pipes and fixtures on private property shall be the responsibility of the property owner or consumer. When a minor failure occurs in a pipe or fixture on private property, and such failure is not corrected within twelve (12) hours of notification by the public utilities director to the owner or person in charge, the city, for the purpose of conserving water and protecting the public, may discontinue service until the failure is corrected or enter the property and make the necessary repairs. When a major failure occurs in a line or fixture and creates the possibility of an immediate danger to the public health or safety, the city may make the necessary repairs. The work done by the city shall be limited to the necessary line repair and such back filling as needed to protect the pipe. The cost of any repairs performed by the city shall be charged to the property owner and included in his next regular periodic water bill. Failure to pay the repair bill shall be considered as a regular water bill delinquency and service may be discontinued until such amount is paid.".

Section 11. Article A, Chapter Two of Part 8 of the Raleigh City Code is hereby amended to add two new sections which shall read as follows:

"Sec. 8-2011. payment of fees and charges.

Any person using the utility system shall pay all required permits, fees, and charges as required by laws, ordinances, and resolutions.

Sec. 8-2012. Obstructing manholes.

It shall be unlawful for any person to obstruct or cover the manholes of the utility system of the city.".

Section 12. Division 1, Article B, Chapter 2, part 8 of the Raleigh City Code is reentitled as follows: "Division 1. Public Extensions of the Utility System.".

Section 13. Sections 8-2031 as amended by ordinance no. (1984) - 470 adopted December 18, 1984, and 8-2032 of the Raleigh City Code are hereby recodified sections 8-2092 and 8-2093 respectively, sections 29 and 30 of this ordinance recodify existing code sections 8-2093. Following recodified section 8-2092 insert the following cross-reference:

"Cross-reference - collection of acreage fees, ¶10-6081(e)."

Section 14. Section 8-2033 of the Raleigh City Code is recodified as section 8-2031 and reentitled "Assessment for extensions.". The first sentence of said section is amended to add before the period thereof the following language: ", the Raleigh City Charter as amended, or both." Following the conclusion of said section, the following charter references are inserted: "Charter references: Charter authority about assessments, sections 2.14(71) and 6.28.".

Section 15. Section 8-2034 of the Raleigh City Code is recodified as section 8-2032 and reentitled "Assessment; city to share cost of oversized lines.". The second sentence of said section is recodified as section 8-2033 which shall be entitled: "Sec. 8-2033. Assessments; provisions for replacement service.".

Section 16. Sections 8-2035, 8-2036, and 8-2037 are recodified as sections 8-2034, 8-2035 and 8-2036, respectively. Code references sections 8-2034 contained in recodified 8-2036(b) are changed to read 8-2034 and 8-2035, respectively.

Section 17. Section 8-2038 of the Raleigh City Code is recodified as section 8-2037. Subsection (a) of said section is hereby repealed, rewritten, and reenacted to read as follows:

"(a) If property to be served by a water or sewer line is to be connected to a line constructed on an assessment basis pursuant to the provisions of sections 8-2031 through 8-2036 of this code and no assessment was made against the property for its proportionate part of the line because ownership of the property would not permit the collection of an assessment, then either at the time of connection as provided in section 10-6081(e) or presentation of a subdivision for recordation, whichever occurs first, there shall be collected, in addition to all other charges provided herein, or by other law, or ordinance, or resolution, the amount which would have been assessed against the property to be served by the line had such property been assessable at the time the line was constructed.".

Subsection (b) of said section is hereby amended to add immediately before the word "there" the following language: "either at the time of connection as provided in section 10-6081(e) or presentation of a subdivision for recordation, whichever occurs

first,". Following subsection (b) reference to code section 8-2038 appearing in the editorial note is changed to 8-2038 appearing in the editorial note is changed to 8-2037.

Section 18. Section 8-2039 of the Raleigh City Code is recodified as section 8-2075. The first sentence of subsection (b) of said section is amended to change the code reference contained therein from 8-2042 to 8-2077 to conform with section 10-3022(b), the second sentence of subsection (b) is amended to add immediately before the period the following language: "or contract execution, whichever is later; provided however, that the council may in its discretion authorize such reimbursement be paid in one sum immediately or in installations over a period of less than ten (10) years."

Section 19. Section 8-2040 of the Raleigh City code is hereby repealed in its entirety, as it will become the first sentence of new section 8-2063.

Section 20. Section 8-2041 of the Raleigh City Code is hereby recodified section 8-2076 and the title of said section is amended to add immediately after the word "limits" the following language: "; developer to be reimbursed for liens constructed within the city limits." The reference to section 8-2042 contained in the first sentence of said section is hereby changed to 8-2077.

Section 21. Section 8-2042 of the Raleigh City Code is hereby recodified section 8-2077 and the title of said section is amended to add at the beginning thereof the following words: "Reimbursement procedures for." Reference to sections 8-2039 through 8-2042 appearing in the editorial note of this section are changed to read 8-2075 through 8-2077 and reference to 10-3025 is changed to read 10-3022.

Section 22. Section 8-2043 of the Raleigh City Code is hereby repealed in its entirety, as it will be rewritten as part of new section 8-2063 as provided in section twenty-five of this ordinance.

Section 23. Sections 8-2044 and 8-2045 of the Raleigh City Code are hereby repealed in their entirety.

Section 24. Division 2, Article B, Chapter 2, part 8 of the Raleigh City Code is hereby reentitled: "Division 2. Private Extensions of Utility System.".

Section 25. Sections 8-2061 through 8-2071 of the Raleigh City Code are hereby repealed in their entirety, rewritten and reenacted to read as follows:

"Division 2. Private Extensions of the Utility System.

Sec. 8-2061. Application.

Any person owning or proposing to construct any private utility line or system inside or outside the corporate limits of the city which it is desired to have connected with the public utility lines and systems of the city, shall make written application for permission to make such connections, upon forms furnished by the director of public utilities. Applications will be receive and acted upon in accordance with the provisions of this article. The application must contain a preliminary utility plan which shall be prepared by a professional engineer registered to practice in the State of North Carolina. The application must also be accompanied by a map made by a professional engineer or registered land surveyor authorized to practice in the state, which map shall show accurately the property to be served with water and/or sewer service, and, if within any real estate development or subdivision, the map shall show the property lines and subdivision of lots and the layout of streets therein. When the private utility lines or systems are to be laid and constructed within any subdivision, such subdivision and the map thereof showing the property lines and subdivision of lots and the layout of streets must have been duly approved in accordance with chapter three part ten of this code before the approval of any application for permission to make connections with the utility system of the city.

State law reference - utility construction plans and specification, G. S. 89C-19.

Section 8-2062 Sizes and locations of pipes, etc.

No application will be considered by the Council under the provisions of this article until the director of public utilities shall have reviewed the sizes, location, character and quality of all pipes, stubs, valves, valve boxes, hydrants and other fixtures, equipment and apparatus to be laid and constructed and to be connected with the utility systems of the city. The director of public utilities shall have authority to recommend the approval or disapproval of such application and to indicate reasonable conditions and requirements for approval, and to recommend any measures that may be requisite or necessary to protect the interests of the city or to prevent improper connections being made with the utility system of the city.

Editor's note - copies of the "Public Utilities Handbook" which includes city standards and procedures are on file in the public utilities department.

Sec. 8-2063. City Council Approval of Outside Extensions.

All utility extensions outside the corporate limits shall be subject to the approval of the City Council. After action has been taken by the director of public utilities (and by the planning commission, when required) and recommendations have

been made to the council, the council shall consider and act upon the question of approving or disapproving the application, and the action of the council shall be final; provided, however, the council may indicate to the owners or promoters of any such addition, extension, subdivision, or development the requirements which must be met as a prerequisite for approving the application.

(a) Street Standards. In prescribing such requirements prerequisites for approval of the application for utility connections, the council shall, in approving the subdivision or development, determine the width of streets, the adequacy of drainage, and flood control measures and facilities, the type of paving, the size and type of pipes and other equipment, the location of streets, particularly with respect to their coordination with the street plan of the city, and such other matters with respect to the development or subdivision as the council in its discretion may deem proper.

(b) Water and sewer lines required. No private water line, lines or system within any greater than two-acre development or subdivision outside the corporate limits shall be approved for connection with the water system of the city, nor will the city accept any dedication of the same nor will the city agree to furnish water service to consumers within any such development or subdivision, unless, at the same time, there is connected with the city sewerage system and dedicated to the city a sewerage system laid and constructed to city standards sufficient to make available adequate sewerage services for each of the lots within such development or subdivision. No private sewer line, lines, or system within any greater than two-acre development or subdivision outside the corporate limits shall be approved for connection with the sewer system of the city, nor will the city accept any dedication of the same, nor will the city agree to furnish sewer service to consumers within any such development or subdivision, unless, at the same time, there is connected with the city water system and dedicated to the city a water system laid and constructed to city standards sufficient to make available adequate water services for each of the lots within such development or subdivision. These restrictions shall also apply to any properties separated by conveyance after April 17, 1984, except if the property is separated from a parcel which on April 17, 1984 is two acres or less in size.

(c) Adequate flood control facilities required. The city hereby states a policy of not extending water and/or sewer service facilities, or any other facilities under its control, into areas of Wake County outside the city's chapter 160A, Article 19 planning jurisdiction, except in unusual circumstances, unless and until areas into which such services are extended and the areas within the chapter 160A article 19 planning jurisdiction for the City of Raleigh, are adequately protected through the installation of flood control and other such devices, and unless and until adequate facilities are available for the supply of water and the treatment of sewage.

Cross reference - floodprone area regulations Part 10 Ch. 4.

(d) Community systems. Subdivisions located outside the corporate limits but within the utilities planing area as provided in the comprehensive plan that install or propose to install a community water system, sanitary sewer system, or both must install said systems in accordance with the City of Raleigh design, materials, and construction standard and methods. Such design, materials, and construction standards and methods are subject to the same regulations as if the community water and community sewer system were connected to the system of Raleigh.

Sec. 8-2064. Design approval.

After approval by the council, tracings of the utility extension including pipes, stubs, valves, valve boxes, hydrants, and other fixtures, equipment and apparatus, shall be submitted to the utilities department. The tracings shall be accompanied by any necessary state permit applications.

State law references - North Carolina Drinking Water Act Article 10, Chapter 130A General Statutes. control of sources of water pollution; permits required G.S. ¶143-215.1.

Sec. 8-2065. Construction approval.

After issuing of any necessary state permits, the tracings shall be resubmitted to the utilities department together with the required state permits. The tracings will then be signed and approved for construction by the utilities director.

State law reference - North Carolina Drinking Water Act Article 10, Chapter 130A General Statutes. Control of sources of water pollution; permits required G.S. ¶143-215.1.

Sec. 8-2066. Easement and rights-of-way, procuring.

In the event that the utility lines are to be constructed and laid in and along any public highway or the right-of-way thereof, or in and across lands not owned and possessed by the promoters or developers or in and across lands owned and possessed by the developers or promoters but not within the current phase of development, the

promoters and developers without cost or expense to the city, shall procure the necessary and proper written easement or right-of-way deeds from the proper officials and agencies having control of such public highways and from the owners of such lands granting the right and authority to construct, improve, install, remove, replace, maintain, inspect and repair and use such utility lines, together with all appurtenant facilities and equipment necessary and convenient thereto, with appropriate rights of ingress and egress over private lands, when necessary, with the right to remove and keep removed therefrom all trees, shrubs, underbrush or parts thereof and other obstructions as necessary to maintain, repair, or protect the utility system. The city will join in the execution of such documents, when required, subject to approval of the legal instrument by the city attorney.

Cross reference: City attorney, Part 1, Chapter 2, Article C; technical provisions concerning plumbing requirements on making utility connections, Part 10, Chapter 6, Article E.

State law reference - permits required for work in state roads, G.S. 136-93.

Sec. 8-2067. Construction without cost to city.

After receiving the necessary approvals and permits for the connection of any proposed privately-owned utility line or system with the public utility lines or systems of the city, the applicant or applicants at their own proper cost and expense and without unnecessary delay shall furnish, construct and lay the utility lines as approved without cost or expense to the city and the utility lines together with all appurtenant facilities and equipment, shall be laid and constructed in approved easements and rights-of-way according to the standards and specifications, and of the character, size, quality and durability, as prescribed by the city through and by its proper officials and employees, and shall be subject to the approval of the city through its proper officers or employees.

Editor's note - for the city policy in considering participation in costs of extending sewer service to properties within the corporate limits, refer to "Infill Policy - Sanitary Sewer" approved by the City Council January 18, 1983.

Sec. 8-2068. Dedication of systems.

Before any person, firm or corporation shall connect in any manner any privately owned water or sewer line or lines or system with any water or sewer line or lines of the city, including water or sewer lines dedicated to the city, such person, firm or corporation shall, by proper written instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant and convey such water, or sewer line, or lines or system to the city; no such connection shall be made with the city water or sewer line or lines without the express approval of the city, nor shall such connection be effected except by the forces or employees of the city properly supervised, for which a charge may be made; and should any person, firm or corporation connect any privately owned water or sewer line or lines or system with any city water or sewer line or lines without first dedicating, giving, granting and conveying same to the city the act of connecting such water or sewer line or lines to the water or sewer line or lines of the city shall be deemed a dedication, gift, grant and conveyance of such water or sewer line or lines to the City of Raleigh.

Charter reference: Charter authority to require dedication, section 2.14(65).

Sec. 8-2069. Inspection and approval before connecting.

Upon the completion of the construction and laying of the utility lines as authorized by this article for connection, and upon inspection and approval thereof by the city, the dedicators shall be permitted to connect such private utility lines with the utility lines and systems of the city upon the terms and conditions prescribed by this code.

Cross reference: city engineer to inspect water and sewer construction work, part 6, section 6-1002; public utilities director to review utility installations, section 8-2062.

Sec. 8-2070. Map of systems.

The dedicators shall furnish the city an accurate map showing in detail the location and dimensions of all recorded easements, mains, pipe lines, laterals, stubs, valves, valve boxes, hydrants, and other fixtures, apparatus, and equipment forming a part of the utility lines constructed and dedicated pursuant to the code, and showing the depth of all pipes and apparatus below the ground level, which map shall be subject to the approval of the director of public utilities or other proper official of the city designated by the council, and after such map is so approved there shall be no changes to the map made without the written consent of the director of public utilities or other such officials of the city authorized to give such consent.

Sec. 8-2071. Nonliability of city; liability insurance.

The dedicators shall have and assume all risk in the laying, installation, and construction of the utility lines and system. Dedicators of any portion of the utility system not already subject to a warranty required by this code or dedicators installing pump stations and appurtenances shall give warranties against any material, defect, equipment defect malfunction, or failure during design conditions for a period

of one year from the date of acceptance of such installation. The cost of repair, replacement or both of the subject facilities during the warranty period shall be at the sole expense of the dedicator and without cost to the city. Any repair or replacement made during the warranty period by the dedicator, his agent, or his independent contractor shall also be warranted for a one year period beginning from the date of acceptance of the repair or replacement.

Cross-reference - construction guarantee of water and sewer lines 10-3020.".

Section 26. Division 3, Article B, Chapter 2, Part 8 of the Raleigh City Code is hereby reentitled to read: "Division 3. Acreage Fees and Reimbursements; Utility Main policy for Major Water and Sewer mains.".

Section 27. Section 8-2091 of the Raleigh City Code relating to the definition of major mains is repealed and is included in section one of this ordinance.

Section 28. Section 8-2092, as amended by ordinance no. (1984) - 470 adopted December 18, 1984 of the Raleigh City Code entitled Policy, is hereby recodified section 8-2091 and is reentitled "Utility Main Policy." The first clause of said section is amended to insert immediately before the word "policy" the words "utility main."

Section 29. Section 8-2093, as amended by ordinance no. (1984) - 470 adopted December 18, 1984 of the Raleigh City Code relating to project procedures and execution of reimbursement contracts is recodified as section 8-2094. Subsection (a) of said section is repealed, rewritten, and reenacted to read as follows:

> "(a) Developers or promoters proposing to install major water mains, or major sewer mains, or both shall follow the ordinances, policies, and procedures for such installations established by the city, under the direction of the department of public utilities. Properly prepared preliminary utility plans and profiles shall be first submitted to the public utilities department (or to the planning department for projects involving a subdivision) and thereafter shall follow the provisions of Division 2, Article B, Chapter 2, part 8 (and Chapter 3, part 10 for projects involving a subdivision) of this code.".

Section 30. Section 8-2094 of the Raleigh City Code relating to reimbursement contract terms is recodified as section 8-2095. The first sentence of subsection 8-2094(a) is amended to insert in between the words "fee at" the following words: "provided in sections 8-2092 and 8-2093." Said sentence is further amended to insert at the end thereof the following: "in accordance with ¶10-6081(e)."

Section 31. The reference to section 8-2039 contained in the cross reference following section 10-3022 of the Raleigh City Code is changed to section 8-2075.

Section 32. Reference to section 8-2003 contained in the second sentence of subsection 10-6080(a) of the Raleigh City Code as amended by section two of ordinance no. (1985) 530 TC 234 adopted 2 April 1985, is changed to read 8-2004. Reference to section 8-2003 contained in the cross reference following section 10-6080 of the Raleigh City Code is changed to read 8-2004.

Section 33. Reference to section 8-2002 contained in subsection 10-6082(a) of the Raleigh City Code is changed to read 8-2003.

Section 34. The word "lateral" appearing in subsection 8-1002(c) of the Raleigh City Code is hereby deleted.

Section 35. Subsection 8-1002(6) of the Raleigh City Code is amended to add at the end thereof the following: "in accordance with 8-2003 and 10-6082(b) of this code."

Section 36. All ordinance and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 37. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 38. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 39. This ordinance shall become effective five (5) days following its adoption.

Adopted: 4/16/85

Effective: 4/21/85

***SOUTHEAST RALEIGH - GROWTH INCENTIVES - REMOVED FROM THE AGENDA

Mrs. Block reported the Public Works Committee recommends that this item be reported out with no action taken as it has been dealt with to the satisfaction of the Committee. On behalf of the Committee, she moved the recommendation be upheld. Her motion

was seconded by Mr. Calloway. Mrs. Block pointed out there are many things that the City has done to help growth in this area. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ESTABLISHMENT OF FIXED PARADE/RACE ROUTES - NO CHANGE IN CURRENT PROCEDURE

Mrs. Block reported the Public Works Committee recommends that this item be reported out of Committee with no action taken to change the present procedure for parade, picket, or road race routes. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Mrs. Block pointed out that the Committee felt the present procedures are adequate. The motion as stated was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

***SOUTHWEST/WEST LAND USE UPDATE - INFORMATION RECEIVED

Ms. Babb indicated the Comprehensive Planning Committee is continuing its review of the Southwest/West combined Planning District and it is hoped the plan will be ready for Public Hearing in May. The item was received without comment.

REPORT AND RECOMMENDATION OF THE CITY INTERGOVERNMENTAL LIAISON COMMITTEE

***URBAN TREE PROGRAM PROGRAM - ADVISORY ROLE TO BE HANDLED BY PARKS AND RECREATION ADVISORY BOARD; LAW AND FINANCE COMMITTEE ASKED TO CONSIDER STRUCTURE OF PARKS AND RECREATION ADVISORY BOARD

Chairman Calloway reported the Intergovernmental Committee recommends that Administration's recommendation that the advisory role of the Urban Tree Program be handled by the Parks and Recreation Advisory Board. The Committee also suggests that the Law and Finance Committee, when considering the overall item of Parks and Recreation advisory roles, consider the restructuring of the Parks and Recreation Advisory Board. On behalf of the Committee Mr. Calloway moved the recommendation be upheld. His motion was seconded by Mrs. Block. Mrs. Block indicated she hopes that the Law and Finance Committee will read the minutes of the City Intergovernmental Liaison Committee on this item when they discuss the overall item of Parks and Recreation advisory roles. She pointed out she had some specific recommendations that were made at that meeting. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***SWIFT CREEK - REQUEST TO EXTEND RALEIGH'S ETJ - INFORMATION RECEIVED

Chairman Calloway reported as a matter of information, the Intergovernmental Committee is holding this item in Committee and the request to extend the Raleigh's ETJ into the Swift Creek area will be discussed by the Committee when meeting with the County Commissioners on May 2. The information was received without comment.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***COMMUNITY DEVELOPMENT - VARIOUS ACTIONS; TRANSFER OF PROPERTY TO RALEIGH HOUSING AUTHORITY AND LOAN - APPROVED

Mr. Walters presented the following recommendation from the Real Estate Committee:

a. The adoption of a condemnation resolution on property at 7-9 Bladen Street (B0011-0026) in order to clear the title.

b. The transfer of ownership to the Raleigh Housing Authority on the following parcels:

	PARCELS	LOT SIZE	APPROVED DISPOSITION VALUE
1.	B0114-0007 B0114-0008	105' x 100'	$4,900.00
2.	B0114-0010 B0114-0011	78.75' x 90'	$4,900.00
3.	B0114-0012, 0013,-0018	78.75' x 90'	$4,900.00
4.	B0118-0001 0001A,0002	78' x 90'	$4,900.00
5.	B0118-0002 0003	78' x 90'	$4,900.00
6.	B0217-0013 0014	68.28' x 135'	$4,700.00

7.	B0217-0014 0015,00168	65' x 135'	$4,500.00
8.	B0217-0016 0017	65' x 135'	$4,500.00
9.	B0217-0018 0018A,0019	67.5' x 100'	$3,400.00
10.	B0217-0020	64.5' x 100'	$3,400.00

In conjunction with this proposal, it is recommended that the Council approve a loan to the Raleigh Housing Authority in the amount of $172,000.00 for the purpose of constructing 20 dwellings on this property. The source of funding for the loan would be $22,000.00 from Community Development Program and $150,000.000 for the income from the 1/2 cent sales tax. This would be an interest free loan to be repaid upon the sale of the units along with the value of the land.

On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote result in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY OWNED PROPERTY - SOUTH WILMINGTON STREET - SALE TO NAEGELE OUTDOOR ADVERTISING - APPROVED WITH CONDITION

Mr. Walters indicated the Real Estate Committee recommends acceptance of a proposal from Naegele Outdoor Advertising Companies to purchase the City owned parcel of land located on South Wilmington Street at the Interstate 40 overpass with the following conditions:

a. The purchase price will be $2,000.

b. Naegele will agree to pay the City $100 per month for the period between March 19, 1983 to April 19, 1985.

c. Naegele must agree to remove the existing sign on this lot within five years (by 1990).

d. Naegele will agree to a deed covenant that no future sign be installed on the property.

On behalf of the Real Estate Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SURPLUS PROPERTY - KELFORD STREET - OFFERED FOR SALE

Mr. Walters reported the Real Estate Committee recommends that the City owned lot in the 3800 block of Kelford Street identified on tax overlay 549 as parcel 658 be offered for sale at a minimum bid at $8,000. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ATLANTIC AVENUE - CONSTRUCTION OF ACCESS ROAD/PEDEN VENTURES - ADMINISTRATION AUTHORIZED TO PROCEED

Mr. Walters indicated the Real Estate Committee recommends that Administration be authorized to proceed with engineering requirements for and acquisition of the area needed to construct an access road over the property of Peden Ventures off Laurelbrook Street to facilitate traffic access needs associated with the Atlantic Avenue Project. City Manager Benton explained trying to get Atlantic Avenue between the Peden Ventures property and A&P has been a real challenge for the City. He indicated this is a narrow street and involves heavy truck traffic from both businesses on either side of the street. He indicated the City has been trying to acquire the right-of-way in such a way as to keep the buildings in their present level of use and to assure at the same time we do not have major disruption of traffic on Atlantic Avenue by the heavy truck traffic. City Manager Benton explained a proposal to extend Laurelbrook Street southward to cul-de-sac at Whitaker Mill Road pointing out this would allow this heavy truck traffic and would facilitate the traffic access needs associated with Atlantic Avenue. Mr. Benton indicated the City has received excellent cooperation from Mr. Peden on this project and he is amiable to this solution. Mr. Walters moved the recommendation as outlined be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***THOROUGHFARE CONFLICT - 721 DOROTHEA DRIVE - CITY WILL NOT PURCHASE

Mr. Walters moved that the City Council decline to pursue the purchase of street right-of-way associated with Western Boulevard Extension as it relates to 721 Dorothea Drive. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***DOWNTOWN EAST HOUSING - 416 EAST MORGAN STREET - CITY TO ACQUIRE

Mr. Walters reported the Real Estate Committee recommends that the Council approve the purchase of property located at 416 East Morgan Street which is a part of the Downtown

East Housing Program at a price of $28,875. On behalf of the Committee, he moved that the recommendation be upheld. His motion was seconded by Mrs. Block and put to a roll vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***OLIVIA RANEY LIBRARY BUILDING - CITY TO WORK COOPERATIVELY - PLANS TO BE SUBMITTED TO CAPITAL PLANNING COMMISSION

Mr. Walters reported the Real Estate Committee recommends that the City Council express its desire to work cooperatively with the State in the consideration of their request to purchase the Olivia Raney Library building but the City wishes to submit this item to the Capital Planning Commission for their review prior to making a final decision. On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***CITY MARKET PROJECT - NEW CONCEPT APPROVED - ADMINISTRATION TO PREPARE AGREEMENTS, ETC.

City Manager Benton indicated the Downtown Committee met on April 15 and received a report relative to the latest proposal presented by Cranston Development Corporation. It was explained the key elements of the new proposal indicate that the scope of the project is the same and the funding for improvements is approximately the same. The amount of the loan from the banks would be reduced from $5,600,000 to $4,000,000. The City's commitment would remain at $2,000,000 plus improvements to Martin Street between the Mall and the City Market. The City's funding would involve a $560,000 grant and a loan, interest free, of $1,440,000. Mr. Benton explained how the City would receive a return when the property is sold and would receive benefits from the annual cash flow if the project became very successful. He explained how the City's investment would be set up as a reserve to pay deficits which may occur for debt service and to assure the investors a 5 percent return on their investment. It was explained that this is where the risk is involved. Mr. Benton also pointed out the investors' share has increased to $1,200,000 to $1,400,000. It was pointed out if the Council approved this concept the City will still have to get an agreement prepared and that will involve the banks and their willingness to accept the concept. In addition, there would have to be time to prepare a prospectus to be used in soliciting investors, etc. A cautious optimistic opening date is projected for September 1986. City Manager Benton indicated the next step would be to approve the concept and authorize Administration to precede with the development of the agreement for report back to the City Council. Mayor Upchurch moved the recommendation as outlined by Mr. Benton be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RALEIGH CITIZENS ADVISORY COUNCIL

***RCAC - REPORT RECEIVED

Bernadine Weddington, Chairperson of the Raleigh CAC, was at the meeting inviting Council Members to attend their next two meetings. She explained on April 17, representatives of the City DOT and NCDOT will present a complete coverage of roads in the area including the Raleigh/Cary/Garner Thoroughfare Plan, Transportation element of the Raleigh Comprehensive Plan, Implementation Program for Thoroughfare Improvements, NCDOT Transportation Improvement Program and the Northern Wake Expressway. Ms. Weddington explained on May 15 they will hold a meeting in cooperation with the League of Women Voters and present a forum on the County Bond Referendum. She explained Richard Stevens, Wake County Manager, will give an overview on the bond program and Dr. Robert Bridgers, Superintendent of the Wake County School System will focus on the school facilities portion. She indicated this is a unique opportunity for the citizens of Raleigh to get first hand and complete information on this proposal. Ms. Weddington explained the RCAC has supported the Council's resolutions regarding the use of phosphate free detergents and conditional use zoning. She explained that the RCAC recently voted to ask the City Council to proceed immediately with obtaining ETJ for the Swift Creek Watershed pointing out they feel it is time for the City of Raleigh to take an aggressive leadership role in protecting the City's reserve water supply in the Swift Creek Watershed. She indicated to maintain the water quality of our southern lakes, the City must extend its southern ETJ into this area and once it is under Raleigh's jurisdiction it should be designated in the Comprehensive Plan as a secondary reservoir watershed protection area with development limited to one housing unit per acre and no nonresidential uses. She indicated with the action of the County Commissioners during yesterday's meeting that possibly this statement could be tempered somewhat. The comments were received with no action taken.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

***METHOD COMMUNITY PARK - OFFICIAL NAMES DESIGNATED

At their meeting on March 27, 1985, the Parks and Recreation Board unanimously approved the names recommended by a committee composed of residents interested in the Method Park and Community.

The following recommendations are made:

Method Community Park (park)

Berry O'Kelly-Harvaleigh White Community Center (center)
The Method Pioneers Building (old agriculture building)

Mr. Calloway moved the recommendations of the Parks and Recreation Advisory Board be upheld. His motion was seconded by Ms. Babb. Mrs. Block indicated a couple of years ago some recommendations were made about the naming of these facilities which she liked better. She indicated she had received a letter from John White who did not understand why these recommendations were being made. Discussion took place with City Manager Benton going over the history of this item, recommendations that had been made and actions taken by the Parks and Recreation Advisory Board in formulating this recommendation. Mrs. Block mae a substitute motion that the Council abide by the first recommendation of the Parks and Recreation Advisory Board in naming these facilities. Her substitute motion was seconded by Mr. Keller. Ms. Cates indicated the only problem she had with the name is the length pointing out she would support calling the Center the O'Kelly-White Center but feels the recommendation is entirely too long but she had no real problem. After other discussion, the substitute motion was put to a vote which resulted in all members voting in the negative except Mrs. Block and Mr. Keller who voted in the affirmative. The Mayor ruled the motion defeated.

The original recommendation to uphold the Parks and Recreation Advisory Board was put to a vote, after discussion, and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***ACREAGE FEE - REIMBURSEMENT MAPS - REVISED MAPS APPROVED

The staff has been working to improve the management of the utility acreage fee reimbursement program. One step has been to make adjustments to the maps which delineate the boundaries of the various contract zones. These adjustments are minor and all contract holders have been notified of the proposed changes. No objections have been received.

Recommendation: That the Council approve the revised area fee zone maps.

City Manager Benton briefly explained the proposal. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***STREET IMPROVEMENTS - LAKE BOONE TRAIL - RESOLUTION OF INTENT ADOPTED - FUNDS TO BE COLLECTED

A subdivision has been approved adjacent to Lake Boone Trail in the "Old Lake" area. The developer is obligated to improve the portion of Lake Boone Trail adjacent to the subdivision.

This particular section of Lake Boone Trail is in very poor condition and needs to be upgraded to City standards.

This is a short section of Lake Boone Trail and does not extend west of Brooks Avenue. The developer of Lake Boone Place proposes to give to the City the estimated cost of their required improvements as a payment in lieu of making the street improvements on one-half of the street. This amounts to $42,580.40.

It would be appropriate for the Council to consider a paving, curb, and gutter project for Lake Boone Trail from Edenburgh Road to Brooks Avenue which would allow use of developer funds to partially affect the project cost of this section.

Recommendation: That the Council approve receiving the funds from the development project on Lake Boone Trail as payment in lieu of construction, and authorize Administration to initiate a paving, curb, and gutter project as proposed.

City Manager Benton briefly explained pointing out it is suggested that the recommendations be upheld as this would be an assessment project. Ms. Babb moved the recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-766

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR, AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, there has been filed with the City Clerk and Treasurer of the City of Raleigh written petition hereinafter referred to, directed to the City Council, requesting the Council to make the respective improvements hereinafter described upon the street or streets, or parts thereof, hereinafter identified; and

WHEREAS, the City Clerk and Treasurer of the City of Raleigh has submitted said petitions to the City Council and has duly certified that the petition has been signed by a majority in number of the owners, or owners of a majority of all the lineal feet of frontage of the lands abutting upon the street or streets or parts thereof proposed

in the petition to be improved, and that the petition is sufficient in all respects as required by Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, and pursuant to which the improvements have been petitioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended:

Installation of curbs, gutters, drains and paving 41 feet back-to-back on Lake Boone Trail from Edenburgh Road to Brooks Avenue with the installation of sidewalk on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. Sidewalk improvements shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that sidewalks be constructed on one side and assessed against property abutting both sides.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10, of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of six percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the seventh day of May, 1985, at 7:00 p.m., or as soon thereafter as the matter can be reached, in the Council Chamber, Room 201, Municipal Building.

***PERSONNEL - INSPECTIONS - ADDITIONAL POSITIONS AUTHORIZED

The number of building permits continues to increase. While additional inspection positions have been approved, no new permits processing positions have been approved for two years. The workload necessitates added staffing consideration for an O.A.-III and Administrative Assistant I.

Recommendation: That the Council approve the addition of an O.A.-III (Grade 23) and Administrative Assistant I (Grade 31). Ms. Babb moved the recommendation as outlined be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STATE LEGISLATION - ROADS/BUILDING PERMITS - TEXT CHANGES AUTHORIZED FOR PUBLIC HEARING

In prior General Assembly actions, laws were passed which constrained the type of policy the City could apply to private utility systems built in the City's Planning jurisdiction. This dealt primarily with the City's ability to require that private system water and sewer lines be built and deeded to the City. The City needs to consider adjusting its policy on when connection to the public system is required. It is proposed that the current Code provision requiring connection to the City system, if the public line is available within four months after plat approval, be amended to twelve months.

A second item gave the City the authority to hold building permits up to seven months when such are in conflict with planned public facilities. This needs to be incorporated into the City Code.

Recommendation: That the City Council authorize a public hearing at the next zoning hearing to consider these two text changes. A copy was in the Agenda packet. Mrs. Block moved the recommendation as outlined be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TRANSPORTATION PLAN UPDATE - STATUS REPORT - RECEIVED; LETTER SUPPORTING IMPROVEMENTS AT CRABTREE VALLEY/GLENWOOD/BELTLINE - APPROVED

City Manager Benton indicated the City has undertaken an update to the Long Range Transportation Plan pointing out we are approaching the final stage of this effort. He indicated it is desirable to present to Council a status report on this program which will include traffic corridor analysis, and projected system deficits through the year 2005. He indicated this is the long range transportation effort that will lead to a point of development or amendment of the Thoroughfare Plan pointing out this is not to be confused with the Capital Improvement Program nor the Bond Improvement Program. He indicated this process has gone through a number of steps over the past couple of years and this is an effort to identify where we are in that process.

Department of Transportation Director Blackburn went through the steps of updating the 1977 Transportation Plan as follows:

Step I (Complete)

PROJECTING THE ECONOMIC BASE
POPULATION AND EMPLOYMENT
CITY COUNCIL AND PUBLIC REVIEW

Step II (4/85)

PROJECTING TRAVEL DEMANDS
IDENTIFY PLAN DEFICIENCIES
CITY COUNCIL AND PUBLIC REVIEW

Step III (8/85)

PREPARING DRAFT AMENDMENTS TO PLAN
ALTERNATIVES
CITY COUNCIL AND PUBLIC REVIEW

Step IV (12/85)

PREPARING RECOMMENDED PLAN
JOINT COUNCIL, PLANNING COMMISSION HEARING

Step V

CITY COUNCIL APPROVES PLAN
BOARD OF TRANSPORTATION APPROVES PLAN

Mr. Blackburn indicated they do not plan to promote any particular plan for the Council but just wanted to point out to the Council where the deficiencies or shortcomings are at this point. He indicated Raleigh Plan is a part of an area wide plan and it is a cooperative effort to update the Transportation Plan. Mrs. Block pointed out under the present time schedule that possibly a total new City Council would be approving the new plan as it would not come to Council until December of 85 after the election.

Blake Norwood representing the State DOT explained the present planning process which dates back to the 1960's and the adoption of the present 1978 Thoroughfare Plan. He indicated that particular plan was based on some optimistic projections relating to reduced demand on automobile and increased demands for mass transit. He indicated that just has not happened. Mr. Norwood presented graphics showing the present plan, projected over capacities, what would happen if we had a total build out of the present thoroughfare plan, trip tables presently projected, etc. Discussion took place on the projections with it being pointed out that the information today is being presented to just give an update on where we are, where current deficits or shortcomings are, etc.

Mayor Upchurch welcomed Highway Commissioner Jim Peden to the meeting and expressed appreciation for his interest and attending the meeting. Mayor Upchurch indicated one critical area relates to the Glenwood Avenue/Beltline/Crabtree Valley area. He explained efforts that have been undertaken by the State to correct the problems in this location and the snags that process have hit. He requested the Council to draft a letter or a resolution supporting the State's improvements at this intersection and encouraging them to move forward. Mr. Keller moved that such a letter be drafted. His motion was seconded by Ms. Cates and put to a vote which passed unanimously.

***DAWSON/McDOWELL STREET - WATERLINE CUT - INFORMATION RECEIVED

City Manager Benton indicated the contractor for the Dawson/McDowell Extention cut a waterline near Summit Avenue. He indicated the residents in that area will be without water for the next 24 to 36 hours. He pointed out that this would involve perhaps as many as 50 homes. He pointed out the contractor is working hydrants for the people in the area.

***CAPITAL IMPROVEMENT PROGRAM - 1985/86 THROUGH 1989-90 - RECEIVED - REFERRED TO WORK SESSION

City Manager Benton presented Council Members with a preliminary draft of Capital Improvement Program 1985/86 through 89/90. He briefly went over the cover memo included in the program explaining the program cost is a little more than $98,000,000, explained what the proposed program includes, whether it be continuous funding, new funding, etc. After highlighting the transmittal memo, by general consensus, it was agreed to refer the Capital Improvement Program to the Work Session scheduled on April 18.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***ROAD TAX - PROPOSAL - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

City Attorney McCormick presented a copy of House Bill 566 relating to a proposed tax for roads. He indicated this tax would allow counties with a population of over 200,000 to appropriate property tax revenues for the purpose of acquiring rights-of-ways for public streets. He indicated he just happened to see that this bill had been introduced and he thought it might be appropriate to refer it to our Intergovernmental Committee to see what Wake County position is on this bill and if the City of Raleigh should support it. Without objection, the item was referred to Intergovernmental Committee.

***ANNEXATION - DONUT HOLE - ATTORNEY TO REQUEST INCLUSION OF RALEIGH

City Attorney McCormick indicated legislation has been introduced to allow Durham to annex areas that are totally surrounded by the City but for some reason the area does not meet the present requirements for annexation. He indicated this is referred to as the "donut hole annexation." He indicated he is aware that Raleigh has several of these areas and maybe Raleigh could be tacked on to this bill. He pointed out this would just be enabling legislation. Mr. Walters moved that the City Attorney be directed to try to get Raleigh tacked on to the Durham Donut Hole Annexation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

***EMPLOYEE ASSISTANCE PROGRAM - REFERRED TO ADMINISTRATION

Mayor Upchurch indicated Mr. Congleton had given him some information concerning an employee assistance program. Mayor Upchurch presented the information to the City Manager indicating he would like for this program to be referred to Administration for their review. Without comment the item was referred to Administration.

***STREET NAME - WINTON ROAD/ATLANTIC AVENUE/PERSON/WAKE FOREST - REFERRED TO ADMINISTRATION

Mayor Upchurch indicated we continue our work on "Atlantic Avenue." He indicated this actually involves Winton Road, Atlantic Avenue, Person Street and Wake Forest Road. He indicated possibly it is time for us to officially name this corridor. Without further discussion, the item was referred to Administration for a recommendation back to Council.

***WORK SESSION - REPORTS FROM VARIOUS LIAISON/COMMITTEES - COMMENTS RECEIVED

Mayor Upchurch indicated earlier in the meeting there was some comment about having various Council Members who are liaison to different Committees, Commissions and Boards to schedule a time in a work session so that we could receive reports from the different Council Members who work with the various Committees. He indicated this would just be a time where the Council Liaison person could give a status report on the work of the Committees they work with. The comments were received.

***STREET CLOSING - 400 BLOCK OF ELM STREET - APPROVED

Mr. Walters indicated each year the Oakwood Community requests closing of the 400 block of Elm Street in connection with a project in their neighborhood. He indicated they waited too late to get this before the City Council pointing out the event is scheduled for May 5. Mr. Walters indicated he had discussed this with Administration and there were no problems, therefore, he would move that the 400 block of Elm Street be closed on May 5 between the hours 1 to 5 p.m. under the conditions outlined in previous years. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SISTER CITY COMMITTEE - FUNDS APPROPRIATED TO PAY EXPENSES

Mr. Walters indicated the director of the International Festival of Milwalkee has agreed to come to Raleigh and work with Raleigh's International Festival Committee at no cost to the City except her expenses. He indicated this would be in lieu of having to hire a consultant to get this expertise. Mr. Walters moved that the City Council appropriate up to $500 to pay the expenses of the Milwaukee Director to come to Raleigh to share her expertise. His motion was seconded by Ms. Babb and put to a roll vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 538 TF 20.

***ZONING CHANGE - CLUSTER DEVELOPMENT ORDINANCE - REFERRED TO APRIL 18 SPECIAL MEETING

Ms. Cates presented a proposed amendment relating to the cluster development. She indicated the Planning Department and the City Attorney's Office have been working on drafting this proposed text change. She indicated the proposal relates clarifying the definition of open space, transfer zoning density across property lines and draws clear distinctions between cluster development and other development. She indicated she would request that this text change be formulated by the City Attorney and authorized for public hearing during the May meeting. Her motion was seconded by Mrs. Block. Ms. Babb indicated she had not seen this pointing out she is not necessarily opposed, but she just has no idea what is being sent to public hearing. Brief discussion took place with it being pointed out we have a special meeting on Thursday 18; therefore, Mr. Walters made a substitute motion that the proposed text change relating to cluster development be referred to the Special City Council Meeting on April 18. His substitute motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PARK - EVERS DRIVE - ADMINISTRATION TO CHECK ON LIGHTS

Mr. Calloway indicated there is a small park on Evers Drive. He indicated evidentally it is a State Park as it has an NRCD sign. He stated, however, it is in the midst of a small Raleigh community. It has picnic tables, open area, etc. He stated, however, the lights have not been turned on. Administration was asked to looked into the matter and see what could be done to get the lights activated.

***HOUSES - SEABROOK/CROSS LINK ROAD - REFERRED TO ADMINISTRATION

Mr. Calloway indicated back in 1984, he wrote several letters concerning some old houses that had been moved to the intersection of Seabrook and Cross Link Road. He indicated he had been advised that there was some problem relative to a subdivision and the houses were going to be moved or repaired. He pointed out, however, the houses are still there, nothing has been done and it is an eyesore in the neighborhood. He asked Administration to check into the situation to see exactly what is going on or what is being proposed.

***PHOSPHATE BAN - INFORMATION RECEIVED

Mrs. Block indicated the Wake County Democratic Committee voted on Saturday, unanimously, to support the phosphate ban. The information was received.

REPORT OF CITY CLERK AND TREASURER

***MINUTES - APRIL 2 - APPROVED

The Clerk indicated Council Members received copies of the Minutes of the April 2, 1985, Council Meeting. Without correction, Mayor Upchurch announced the Minutes approved as presented.

***TAX - REBATES AND/OR REFUNDS - RESOLUTION ADOPTED

The City Clerk reported Council Members will receive in their Agenda packet two proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended of the listing submitted by the Wake County Tax Supervisor for refunds made during the month of February for clerical error purposes. Mr. Calloway moved adoption of the resolution and approval of the listing as submitted. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 767

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OR PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10 percent penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10 percent penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO	TAX VALUE	RECOMMENDATION
1985	Anthony M. Andruzzi & Helen	01-2-0002044	$ 11,767	Relieved
1985	Dorothy Autrey & Jerome B. Weber	07-2-0112173	$ 7,458	Relieved
1985	Mark E. Boduch	07-2-5274655	$ 11,410	Relieved
1985	Theresa De Coninck	07-2-5274709	$ 8,390	Relieved
1985	Debbie A. Dee	07-2-5274676	$ 1,210	Relieved
1985	First Capital Corp.	01-1-5275086	$ 6,266	Relieved

YEAR	TAXPAYER	ACCOUNT NO	TAX VALUE	RECOMMENDATION
1985	Frances P. Flaherty	07-2-0106435	$ 5,639	Relieved
1985	Sidney & Barbara Gutknecht	13-2-5274679	$ 9,800	Relieved
1985	Lou Ann Jones	01-2-5274667	$ 6,538	Relieved
1985	William Fred & Catherine Martin	13-2-0131504	$ 2,437	Relieved
1985	Brian R. Moore	13-2-5274673	$ 19,650	Relieved
1985	Helen Elizabeth Newton	01-2-5850693	$ 7,920	Relieved
1985	Richard M. Rosenstock	07-2-0136195	$ 12,759	Relieved
1985	Susan Conant Scholls	01-2-5163053	$ 10,770	Relieved
1985	Paul O. Stahl	01-2-0066630	$ 9,239	Relieved
1985	Triangle Educational Service, Inc.	01-1-5275135	$ 2,065	Relieved
1985	Claire C. Twomey	07-2-0091522	$ 2,085	Relieved
1985	Brad J. Vollmer	07-2-5274697	$ 10,140	Relieved
1985	Yandle-Witherspoon Supply of Raleigh, N.C.	01-1-5275083	$104,384	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1985	Dorelle Engel	$ 6,588
1985	Louis H. Gray	$ 2,065
1985	Dwight A. and Mary Ann Kinard	$ 1,927
1985	Robert G. Mosely, MC	$ 1,155
1985	Dewitt and Virginia C. Rogers	$11,130
1985	Thomas A. and Marilyn C. Saieed	$20,180
1985	Amilcar Enrique Smith	$ 6,151
1985	Richard T. Thompson, Jr. & Richard T. Thompson, Sr.	$ 2,378
1985	Awesome Enterprises, Inc.	$13,910
1985	William M. and Jean Trott	$14,760
1985	Garland H. and Sara W. Ladd	$ 939

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

RESOLUTION NO. (1985) 768

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO	TAX VALUE	RECOMMENDATION
1984	Clark, Rose Marie	01-2-5265646-84	$ 63.89	Error-Illegal Billing
1983	Cole, Samuel J. & Ann L.	01-2-5005870-83	$112.91	Error-Illegal Billing
1983	Debnam, Judity Allen	11-2-5410169-83	$ 13.49	Error-Illegal Billing
1984	Mangum, Bbby Lee & Susan S.	07-8-5266194-84	$ 80.80	Error-Illegal Billing
1984	Moore, Eugene Austa (Jr)	01-2-5475200-84	$ 45.69	Error-Illegal Billing

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

***STREET AND SIDEWALK IMPROVEMENTS - BROCKTON DRIVE - RESOLUTION ADOPTED

The City Clerk reported a petition has been received for the installation of curbs, gutters, drains, and paving that part of Brockton Drive between existing pavement with the installation of sidewalks on the west side. The next step, if the Council so desires, would be adoption of Resolution of Intent for the street and sidewalk improvements which would set a public hearing to consider the project. Mrs. Block moved adoption of the Resolution as recommended. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 769

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR, AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, there has been filed with the City Clerk and Treasurer of the City of Raleigh written petition hereinafter referred to, directed to the City Council,

requesting the Council to make the respective improvements hereinafter described upon the street or streets, or parts thereof, hereinafter identified; and

WHEREAS, the City Clerk and Treasurer of the City of Raleigh has submitted said petitions to the City Council and has duly certified that the petition has been signed by a majority in number of the owners, or owners of a majority of all the lineal feet of frontage of the lands abutting upon the street or streets or parts thereof proposed in the petition to be improved, and that the petition is sufficient in all respects as required by Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, and pursuant to which the improvements have been petitioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended:

Installation of curbs, gutters, drains and paving 41 feet back-to-back with a 2-inch asphalt surface on a 6-inch stone base on Brockton Drive from existing pavement to existing pavement with sidewalks installed on the west side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. Sidewalk improvements shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that sidewalks be constructed on one side and assessed against property abutting both sides.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10, of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of six percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 7th day of May, 1985, at 7:00 p.m., or as soon thereafter as the matter can be reached, in the Council Chamber, Room 201, Municipal Building.

***SURPLUS PROPERTY - LOT 13/WRENTREE PLACE - ADJACENT PROPERTY - RESOLUTION ADOPTED

The City Clerk reported during the March 19, 1985, Council Meeting, the City Council declared property adjacent to Lot 13, Wrentree Place surplus property and directed that it be sold through negotiated offer, upset bid method. The proper procedures have been followed and it is recommended that a resolution authorizing the sale of the property to Elizabeth G. Davis be adopted. The sale price is $500. Mr. Walters moved adoption of the Resolution authorizing the sale as outlined by the clerk. His motion was seconded by Mayor Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION 1985 - 770

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired surplus property, said property being described more fully as follows:

Surplus lot located on the cul-de-sac of Wrentree Place in Idlewood Village, Section 1, adjacent to Lot 13.

WHEREAS, Elizabeth Gilmore Davis has offered to purchase said property for $500; and

WHEREAS, Chapter 160A-26 et seq. of North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provision; and

WHEREAS, all procedures have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City of Raleigh will sell the hereinbefore described property to Elizabeth Gilmore Davis for the sum of $500.

Section 2. That the Mayor be authorized to execute the instrument of conveyance.

Adopted: 4/16/85

***ZONING - SPECIAL USE PERMIT - PUBLIC HEARING AUTHORIZED

The City Clerk indicated we have received a petition for a special use permit under Zoning Ordinance 10-2072e Conversion Project. She indicated this is the first application we have received under the high density overlay district. She indicated the application is for six one-bedrooms condominiums on the second and third floor of 112 Fayetteville Street Mall. She indicated again this is the first application and at this point, in order to coordinate the plan approval, the public hearing, etc. it is recommended that the City Council authorize a public hearing to be held on May 21, 1985, to consider the application for the six one-bedroom unit residential conversion project at 112 Fayetteville Street Mall. Brief discussion took place with Mr. Walters moving approval of the public hearing as outlined. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 6:10 p.m.

Gail G. Smith
City Clerk

dg/Apr